## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CYRUS R. SANDERS,

Plaintiff,

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No. 3:08-CV-1560

(JUDGE CAPUTO)

STEPHEN DOWNS, et al.,

Defendants.

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(MAGISTRATE JUDGE MANNION<sup>1</sup>)

## ORDER

**NOW** this 26<sup>th</sup> day of June, 2013, upon review of the Report and Recommendation

of Magistrate Judge Malachy E. Mannion (Doc. 123), IT IS HEREBY ORDERED that:

- (1) The Report and Recommendation (Doc. 123) is **ADOPTED.**
- (2) Defendant Stephen Downs' Motion for Summary Judgment (Doc. 110) is **GRANTED**.
- (3) Defendant John Kern, Jr.'s Motion for Summary Judgment (Doc. 115) is **GRANTED**.
- (4) Judgment is entered, *sua sponte*, in favor of Defendant Cynthia Dunlap and against Plaintiff Cyrus Sanders on Count IV of Plaintiff's Amended Complaint (Doc. 21).
- (5) The Clerk of Court is directed to mark the case as **CLOSED**.

<u>/s/ A. Richard Caputo</u> A. Richard Caputo United States District Judge

The caption reflects Judge Mannion's office as a Magistrate Judge when he issued the Report and Recommendation here under review. He has since become a United States District Judge.