

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

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|----------------------------|---|---------------------------|
| RICHARD ALLEN HAMMONDS, | : | Case No. 3:12-cv-00236 |
| | : | |
| Plaintiff, | : | (Judge Brann) |
| | : | |
| v. | : | |
| | : | (Magistrate Judge Schwab) |
| SUPERINTENDENT B. COLLINS, | : | |
| <i>et al.</i> , | : | |
| | : | |
| Defendants. | : | |

ORDER

November 20, 2014

The undersigned has given full and independent consideration to the September 11, 2014 report and recommendation of Magistrate Judge Susan E. Schwab (ECF No. 227). No objections or responses have been filed, so this Court has reviewed the R&R for abuse of discretion. *Cf. Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (although the court is not required to review magistrate judge’s report absent objections, “the better practice is for the district judge to afford some level of review to dispositive legal issues raised by the report”).

Because this Court agrees with Magistrate Judge Schwab’s recommendation, the Court will not rehash the reasoning of the Magistrate Judge and will adopt the report and recommendation in its entirety.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Magistrate Judge Schwab's report and recommendation is ADOPTED (ECF No. 227).
2. Defendants' Motion for Summary Judgment (ECF No. 180) is GRANTED in part and DENIED in part.
3. Summary judgment is GRANTED as to Plaintiff's due process claim.
4. Defendants' Motion for Summary Judgment as to all other claims is DENIED without prejudice with leave to re-file after the completion of discovery.
5. The case is REMANDED to Magistrate Judge Schwab for further proceedings.

BY THE COURT:

/s Matthew W. Brann
Matthew W. Brann
United States District Judge