

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

CHANDAR A. SNOW,

Plaintiff,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

CIVIL ACTION NO. 3:CV-13-0789

(JUDGE CAPUTO)

(MAGISTRATE JUDGE BLEWITT)

ORDER

NOW, this 13th day of December, 2013, upon consideration of Magistrate Judge Blewitt's Report and Recommendation (Doc. 23) to Plaintiff's Amended Complaint, **IT IS HEREBY ORDERED** that:

(1) The Report and Recommendation (Doc. 23) is **ADOPTED in part and REJECTED in part.**

(A) The recommendation to dismiss with prejudice the claims for monetary damages asserted against Defendants in their official capacities is **ADOPTED**. The claims for monetary damages against Defendants in their official capacities are **DISMISSED with prejudice**.

(B) The recommendation to dismiss with prejudice Defendants U.S. Department of Justice, Federal Bureau of Prisons, Warden Thomas, BOP Regional Director Samuels, Disciplinary Hearing Officer Jordan, Snider, Counselor Edinger, Case Manager Nichols, Dr. Cannon, and T. Brink is **ADOPTED**. Defendants U.S. Department of Justice, Federal Bureau of Prisons, Warden Thomas, BOP Regional Director Samuels, Disciplinary Hearing Officer Jordan, Snider, Counselor Edinger, Case Manager Nichols, Dr. Cannon, and T. Brink are **DISMISSED from the action with prejudice**.

(C) The recommendation to dismiss with prejudice the First Amendment denial of access to the courts claim is **ADOPTED**. The First Amendment denial of access to the courts claim is **DISMISSED with prejudice**.

(D) The Recommendation to allow Plaintiff to proceed on the Eighth Amendment denial of medical care claim and Eighth Amendment cruel and unusual punishment (deliberate indifference) claim against Lieutenant Sherman, Lieutenant Johnson, Heather Ladisic, and Beverly Prince is **ADOPTED**.

(E) The recommendation to dismiss with prejudice the Eighth Amendment excessive force claim against The Captain, Lieutenant Sherman, and Lieutenant Johnson is **REJECTED**. The recommendation to dismiss with prejudice the excessive force claim as to all other Defendants is **ADOPTED**, and the excessive force claim is **DISMISSED with prejudice** as to all Defendants except The Captain, Lieutenant Sherman, and Lieutenant Johnson.

(2) Plaintiffs may **PROCEED** on the following claims:

(A) Eighth Amendment excessive force claim against Defendants The Captain, Lieutenant Sherman, and Lieutenant Johnson.

(B) Eighth Amendment denial of medical care claim against Defendants Lieutenant Sherman, Lieutenant Johnson, Heather Ladisic, and Beverly Prince.

(C) Eighth Amendment cruel and unusual punishment (deliberate indifference) claim against Defendants Lieutenant Sherman, Lieutenant Johnson, Heather Ladisic, and Beverly Prince.

(3) The matter is **RECOMMITTED** to Magistrate Judge Blewitt for further proceedings.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge