

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

JERRY LAUGHMAN,
Plaintiff

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No. 3:14cv745

(Judge Munley)

v.

CUMBERLAND COUNTY, et al.,
Defendants

:(Magistrate Judge Blewitt)

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ORDER

AND NOW, to wit, this 19th day of June 2014, we have before us for disposition Magistrate Judge Thomas M. Blewitt's report and recommendation, which proposes the dismissal of plaintiff's civil rights complaint. No objections to the report and recommendation have been filed, and the time for such filing has passed. Therefore, in deciding whether to adopt the report and recommendation, we must determine if a review of the record evidences plain error or manifest injustice. FED. R. Civ. P. 72(b) 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, we find neither a clear error on the face of the record nor a manifest injustice, and therefore, we shall adopt the report and recommendation. It is hereby **ORDERED** as follows:

- 1) The magistrate judge's report and recommendation (Doc. 8) is **ADOPTED**;

2) The following claims/defendants are dismissed with prejudice:

A) Plaintiff's claims for monetary damages against defendants in their official capacities;

B) Defendants Cumberland County Prison and Prime Care Medical, Inc.;

C) Plaintiff's Eighth Amendment conditions of confinement claim as against all defendants;

3) The following is dismissed without prejudice: Plaintiff's Eighth Amendment denial of medical care claim as against Defendants Cumberland County, Warden Earl Rietz, Jr. and Mike Baldwin;

4) The plaintiff is granted twenty-one (21) days from the date of this order to file an amended complaint properly alleging the matter listed in number 3 above regarding the claims that were dismissed without prejudice;

5) The failure of the plaintiff to file a timely amended complaint will result in this case being close.

BY THE COURT:



JUDGE JAMES M. MUNLEY
United States District Court