

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

MARCUS DION BROOKING,

Plaintiff,

v.

D.O.C., *et al.*,

Defendants.

NO. 3:15-CV-02134

(JUDGE CAPUTO)

(MAGISTRATE JUDGE SAPORITO)

**ORDER**

**NOW**, this 29<sup>th</sup> day of January, 2019, upon review of the Report and Recommendation of Magistrate Judge Saporito (Doc. 13), **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 13) is **ADOPTED in part** and **REJECTED in part**.
- (2) All claims except Plaintiff Marcus Brooking's Eighth Amendment deliberate indifference claim are **DISMISSED with prejudice**.
- (3) This matter is **RECOMMENDED** to Magistrate Judge Saporito for further proceedings.

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