

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

QUINTEZ TALLEY,
Plaintiff

v.

PA DEPT. OF CORRECTIONS; JOHN
E. WETZEL; TAMMY FERGUSON;
BOBBI JO SALAMON; TIMOTHY
GRAHAM; B. ANSTEAD; SCOTT
ELLENBERGER; DAVE LINK; LT.
SHAW; SGT. RYDER; C.O. BALKO;
JERROLD LINCOLN; CHIEF, SAFETY
& ENVIRONMENTAL PROTECTION
DIVISION¹; TAMMY S. FAGAN;
BUREAU OF HEALTH CARE
SERVICES; DORINA VARNER; and
C.O. SAYLOR,
Defendants

No. 3:16cv2074

(Judge Munley)

(Magistrate Judge Mehalchick)

ORDER

AND NOW, to wit, this 17th day of January 2020, we have before us
for disposition Magistrate Judge Mehalchick's report and recommendation, which
proposes that the unopposed motions for summary judgment respectively filed by
the Supervisory Defendants,² (Doc. 74), and the Correctional Officer

¹The Chief of the Safety & Environmental Protection Division has been identified as Robert McSurdy.

²The Supervisory Defendants are comprised of Defendants Anstead, Ellenberger, Fagan, Ferguson, Graham, Lincoln, Link, Salamon, Saylor, Varner,

Defendants,³ (Doc. 76), be granted in their entirety. 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 in full. It is hereby **ORDERED** as follows:

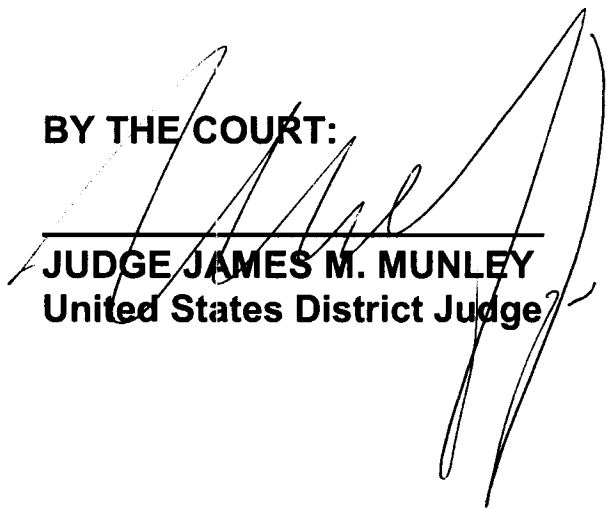
1. The magistrate judge’s report and recommendation, (Doc. 82), is **ADOPTED**;
2. The motion for summary judgment filed by the Supervisory Defendants, (Doc. 74), is **GRANTED**;
3. The motion for summary judgment filed by the Correctional Officer Defendants, (Doc. 76), is **GRANTED**; and

Wetzel, Bureau of Healthcare Services, and Chief, Safety & Environmental Protection Division.

³ The Correctional Officer Defendants are comprised of Defendants Balko, Reiter (misspelled as “Ryder” in the caption of the amended complaint), and Shaw.

4. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'J. Munley', is written over a horizontal line. The signature is stylized and extends above and below the line.

JUDGE JAMES M. MUNLEY
United States District Judge