

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

PHILLIP QUINN	:	
	:	
Plaintiff	:	CIVIL ACTION NO. 3:18-632
	:	
v.	:	(MANNION, D.J.)
	:	(MEHALCHICK, M.J.)
BRENDA L. TRITT, et al.	:	
	:	
Defendants	:	

ORDER

In accordance with the memorandum issued this same day, **IT IS HEREBY ORDERED THAT:**

- (1)** the Report of the magistrate judge, (Doc. 57), is **ADOPTED** in part and **NOT ADOPTED** in part.
- (2)** The Report is **ADOPTED** as follows:
 - a.** The DOC defendants' motion for summary judgment (Doc. 31) with respect to Grievance Nos. 686690, 689239, 690125, 692819, and 704699 is **GRANTED** in favor of the DOC defendants due to the plaintiff's failure to fully exhaust his administrative remedies;
 - b.** the DOC defendants' motion for summary judgment (Doc. 31) with respect to Grievance Nos. 630487 and 640217 is **GRANTED** in favor of the DOC defendants due to the

plaintiff's failure to properly exhaust his administrative remedies.

c. the DOC defendants' motion for summary judgment (Doc. 31) with respect to Grievance No. 647581 is **GRANTED** in favor of Kathy Brittain, Joseph Sankus, Brenda Tritt and **DENIED** as to Daniel Rhome;

(3) the Report is **NOT ADOPTED** to the extent it that it recommends the SCWA defendants' motion to dismiss, (Doc. 32), and Quinn's motion to compel discovery, (Doc. 44), be denied as moot, and to the extent that it recommends Quinn's state law negligence claim against the DOC defendants and SCWA defendants be dismissed without prejudice and remanded to the Schuylkill County Court of Common Pleas.

(4) the instant action is **REMANDED** to the magistrate judge for all further proceedings, including consideration of SCWA defendants' motion to dismiss (Doc. 32) and the plaintiff's motion to compel discovery (Doc. 44).

s/ Malachy E. Mannion

MALACHY E. MANNION
United States District Judge

DATE: September 30, 2019

18-632-01-Order