

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

**KEVIN POWELL,
Plaintiff**

v.

**DR. JOHN SYMONS,
Defendant**

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No. 4:07-cv-02225

(Judge Kane)

ORDER

AND NOW, on this 6th day of November 2013, **IT IS HEREBY ORDERED THAT** Magistrate Judge Schwab’s Report and Recommendation (Doc. No. 228) is **NOT ADOPTED**.

IT IS FURTHER ORDERED THAT Defendant’s motion for summary judgment (Doc. No. 189) is **DENIED**, and the above-captioned action is referred back to Magistrate Judge Schwab for pretrial management.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania