

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

BAHIYUDEEN HAKEEM,	:	
	:	
Plaintiff,	:	No. 4: CV-10-01627
	:	
v.	:	(McClure, J.)
	:	
JON FISHER, <u>et al.</u> ,	:	(Magistrate Judge Carlson)
	:	
	:	
Defendants.	:	

ORDER

November 18, 2010

I. BACKGROUND

On August 5, 2010, pro se plaintiff Bahiyudeen Hakeem, currently an inmate at the State Correctional Institution at Smithfield (“SCI-Smithfield”), located in Huntingdon, Pennsylvania, filed a civil rights action under 42 U.S.C. § 1983. (Rec. Doc. No. 1). On September 20, 2010, Hakeem filed an amended complaint. (Rec. Doc. No. 18). In his complaint, Hakeem alleges violations of his Eighth Amendment right to adequate medical care based upon treatment, or lack thereof, stemming from several medical conditions. The named defendants include SCI-Smithfield Superintendent Fisher, Dr. Ronald Long, Dr. Doll, P.A. Josh, SCI-Smithfield Health Care Coordinator William Dreibelbis, Nurse Supervisor Julie Cowher, Nurse Supervisor Gerald Hartman, a Nurse Shannon, and two Nurse Jane

Does. The matter initially was assigned to United States Magistrate Judge Martin C. Carlson.

II. PROCEDURAL HISTORY

In addition to his complaint, on August 5, 2010, the plaintiff also filed a motion for a preliminary injunction. (Rec. Doc. No. 4). On August 9, 2010, Magistrate Judge Carlson issued an order setting the following briefing schedule: plaintiff was to file a brief in support of his motion for a preliminary injunction no later than September 1, 2010; the defendants were to file a response no later than October 1, 2010; and the plaintiff would be entitled to file a reply brief no later than October 15, 2010. (Rec. Doc. No. 11). On August 18, 2010, the plaintiff filed a brief in support of his motion for a preliminary injunction. (Rec. Doc. No. 13). On October 6, 2010, after Magistrate Judge Carlson granted their motion seeking an extension of time, the defendants filed an opposing brief. (Rec. Doc. Nos. 25-27). The plaintiff chose not to file a reply brief.

On October 25, 2010, the magistrate judge issued a twenty-five page report and recommendation. (Rec. Doc. No. 34). After an extensive and thorough discussion, the magistrate judge recommended that the plaintiff's motion for a preliminary injunction be denied. (*Id.* at 18). As support, the magistrate judge concluded that, *inter alia*, Hakeem had failed to show a likelihood of success on the

merits or irreparable harm. (Id. at 6-17).

Hakeem has not filed any objections to the magistrate judge's report and recommendation, and the time for doing so has since passed. Because Hakeem has elected not to object to the report and recommendation and because we agree with Magistrate Judge Carlson's thorough analysis and recommendation, we will adopt the report and recommendation. Therefore, we will deny the plaintiff's motion for a preliminary injunction. (Rec. Doc. No. 4).

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. United States Magistrate Judge Carlson's Report and Recommendation is **ADOPTED IN FULL**. (Rec. Doc. No. 34).
2. Plaintiff Hakeem's motion for a preliminary injunction is **DENIED**. (Rec. Doc. No. 4).
3. The case is returned to Magistrate Judge Carlson for further proceedings.

s/ James F. McClure, Jr.
James F. McClure, Jr.
United States District Judge