

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

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|---------------------------|---|-------------------------------|
| DEVINE MARKS, | : | Civil Action No. 4:13-CV-0726 |
| | : | |
| Plaintiff, | : | (Judge Brann) |
| | : | |
| v. | : | |
| | : | |
| CORIZON HEALTH CARE INC., | : | |
| <i>et. al.</i> , | : | |
| | : | |
| | : | (Magistrate Judge Schwab) |
| Defendants. | : | |

ORDER

August 26, 2014

BACKGROUND:

The undersigned has given full and independent consideration to the June 19, 2014 report and recommendation of Magistrate Judge Susan E. Schwab. ECF No. 49. No objections have been filed.

Because this Court agrees with Judge Schwab’s analysis the Court will not rehash the sound reasoning of the magistrate judge and will adopt the report and recommendation in its entirety.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. United States Magistrate Judge Susan E. Schwab’s June 19, 2014 Report and Recommendation is ADOPTED in full. ECF No. 49.

2. Defendants' Motion to Dismiss is GRANTED in part and DENIED in part to the extent set forth in the Report and Recommendation. ECF No. 34.
3. Plaintiff's medical malpractice claims are dismissed in their entirety. The Eighth Amendment claim against Defendant Shoop is dismissed.
4. The action is remanded to Magistrate Judge Schwab for further proceedings.

BY THE COURT:

s/ Matthew W. Brann
Matthew W. Brann
United States District Judge