

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

RICHARD ALLEN HAMMONDS,	:	Civil No.: 4:14-CV-00527
	:	
Plaintiff,	:	
v.	:	(Judge Brann)
	:	
PENNSYLVANIA DEPARTMENT OF CORRECTIONS, <i>et. al.</i> ,	:	
	:	
Defendants.	:	(Magistrate Judge Schwab)

ORDER

August 30, 2016

On March 20, 2014, Plaintiff, Richard Allen Hammonds, hereinafter “Hammonds,” commenced the present action by filing a complaint against thirty defendants.¹ Defendants are current and former employees of the Pennsylvania Department of Corrections and medical personnel who provide services at state prisons.² Hammonds contends, among other things, that officials at the State Correctional Institution Frackville poisoned his food with detergent chemicals and a “deadly dose... of hepatitis.”³ Hammonds contends that he was subsequently denied medical treatment for the symptoms and conditions he incurred as a result.⁴

¹ ECF No. 1.

² ECF No. 1.

³ ECF No. 103 at 1.

⁴ ECF No. 103 at 2.

Before this Court is Hammonds's September 11, 2015 motion for a temporary restraining order and preliminary injunction.⁵ Hammonds asserts that the medical symptoms he has incurred as a result of the alleged poisoning require immediate gastroenterological intervention; he therefore requests a "temporary restraining order requiring the Defendants to arrange for an examination and a plan of treatment by a qualified specialist and a preliminary injunction requiring the Defendants to carry out that plan of treatment."⁶

On September 25, 2015, Commonwealth defendants filed a brief in opposition to Hammonds's motion.⁷ On October 5, 2015, Hammonds filed a reply brief.⁸ On July 26, 2016, Magistrate Judge Susan E. Schwab filed a Report and Recommendation addressing Hammonds's motion for a temporary restraining order and preliminary injunction.⁹ Magistrate Judge Schwab recommended that this Court: (1) deny Hammonds's motion for temporary restraining order and preliminary injunction; and (2) remand the case to her for further proceedings.¹⁰

⁵ ECF No. 102.

⁶ ECF No. 103 at 2.

⁷ ECF No. 105.

⁸ ECF No. 106.

⁹ ECF No. 116.

¹⁰ ECF No. 116 at 15.

When a Report and Recommendation is filed, it is disseminated to the parties in the case who then have the opportunity to file written objections.¹¹ When objections are timely filed, the district court must conduct a de novo review of those portions of the report to which objections are made.¹² Although the standard of review for objections is de novo, the extent of review lies within the discretion of the district court, which may otherwise rely on the recommendations of the magistrate judge to the extent it deems proper.¹³ For portions of the report and recommendation to which no objection is made, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”¹⁴ Regardless of whether timely objections are made by a party, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.¹⁵

No objections to Magistrate Judge Schwab’s Report and Recommendation have been filed, and the August 12, 2016 filing deadline has passed. This Court has reviewed the Report and Recommendation and is satisfied that there is no clear error on its face. As such, I will adopt it in full.

¹¹ 28 U.S.C. 636(b)(1)

¹² 28 U.S.C. 636(b)(1); *Brown v. Astrue*, 649 F.3d 193, 195 (3d Cir. 2011)

¹³ *Rieder v. Apfel*, 115 F. Supp.2d 496, 499 (M.D.Pa. 2000) (citing *United States v. Raddatz*, 447 U.S. 667, 676 (1980)

¹⁴ Fed.R.Civ.P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (M.D.Pa.2010)(citing *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that judges should give some review to every report and recommendation)

¹⁵ 28 U.S.C. § 636(b)(1); Local Rule 72.31

THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation is ADOPTED in full. ECF No. 116.
2. Plaintiff's motion for a temporary restraining order and a preliminary injunction is DENIED. ECF No. 102.
3. The case is remanded to Magistrate Judge Schwab for further proceedings.

BY THE COURT:

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