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

JAMES KOZAK, Plaintiff,	)	
v.	)	C.A. No. 07-120 ERIE
DR. MARK BAKER, et al, Defendants.	)	

MEMORANDUM ORDER

Plaintiff's complaint was received by the Clerk of Court on May 17, 2007, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on October 1, 2008, recommended that Defendants' motion for summary judgment (Doc. #33) be granted, while Plaintiff's motion for summary judgment (Doc. # 29) be denied. The parties were allowed ten (10) days from the date of service to file objections. Objections were filed by the Plaintiff on October 21, 2008. The Defendants filed a response on October 31, 2008. After de novo review of the pleadings and documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 4th Day of March, 2009;

IT IS HEREBY ORDERED that the Motion for Summary Judgment (Document # 33) is GRANTED, and the Motion for Summary Judgment (Doc. #29) is DENIED. The Clerk of Court is directed to close this case.

The report and recommendation of Magistrate Judge Baxter, dated September 30, 2008, is adopted as the opinion of the court.

Maurice B. Cohill, Jr.
MAURICE B. COHILL, JR.
United States District Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge

all parties of record