

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

| | | |
|----------------------------|---|----------------------|
| ANDREW BOOK, |) | |
| Plaintiff |) | |
| |) | |
| v. |) | C.A. No. 08-121 Erie |
| |) | |
| MICHAEL DUNLAVEY, et. al., |) | |
| Defendants. |) | |


MEMORANDUM ORDER

This matter has been referred to United States Magistrate Judge Susan Paradise Baxter in accordance with the Magistrates Act, 28 U.S.C. §§636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on February 26, 2009, recommended that Defendant Brenda Moski's Motion to Dismiss (Doc. 13) and Defendant Michael Dunlavey's Motion to Dismiss (Doc. 16) be granted. The parties were permitted to file objections to the magistrate judge's report and recommendation by March 16, 2009. Service was made on all parties. No objections were filed. After de novo review of the Complaint (Doc. 3), Defendant Brenda Moski's Motion to Dismiss (Doc. 13) and Brief in Support (Doc. 14); Defendant Michael Dunlavey's Motion to Dismiss (Doc. 16) and Memorandum of Law in Support (Doc. 17); and Plaintiff's Response to Defendants' Motions to Dismiss (Doc. 19), the following order is entered.

AND NOW, this 30th day of March, 2009, it is HEREBY ORDERED ADJUDGED AND DECREED that Defendant Moski's Motion to Dismiss (Doc. 13) and Defendant Dulavey's Motion to Dismiss (Doc. 16) are GRANTED.

The report and recommendation of Magistrate Judge Baxter, filed on February 26, 2009 (Doc. 29) is adopted as the Opinion of the Court.


MAURICE B. COHILL, JR.
United States District Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge

all parties of record _____