

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

AARON SLOAN,)	
)	
Plaintiff,)	
)	Civil Action No. 10-221 Erie
v.)	
)	
RAYMOND SOBINA, et. al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on September 7, 2010 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 [ECF No. 51], filed on July 31, 2012, recommended that the partial motion for summary judgment filed by Defendants [ECF No. 37] be granted in part and denied in part. Specifically, it was recommended that the motion be:

- Granted in favor of Defendants Brooks, McCormick, Sobina, Beard, Mark and Watson on the failure-to-intervene claim;
- Denied as to Defendants Vincent and Caldwell on the failure-to-intervene claim;
- Granted in favor of Defendant Franz on the false misconduct/cover-up claim;
- Granted as to all claims against Defendants Lucore, Warner and Jouver; and
- Granted in favor of Beard, McCormick, Balos, Brooks, Sobina, Mark and Watson on both the failure-to-protect and failure-to-supervise claims against them.

The parties were allowed fourteen (14) days from the date of service to file objections and service was made on Plaintiff by certified mail. Plaintiff filed objections on August 16, 2012. [ECF No. 56]. After de novo review of the documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 23rd day of August, 2012;

IT IS HEREBY ORDERED that the partial motion for summary judgment filed by Defendants [ECF No. 37] is GRANTED in part and DENIED in part. Specifically, the motion is:

-GRANTED in favor of Defendants Brooks, McCormick, Sobina, Beard, Mark and Watson on the failure-to-intervene claim;

-DENIED as to Defendants Vincent and Caldwell on the failure-to-intervene claim;

-GRANTED in favor of Defendant Franz on the false misconduct/cover-up claim;

-GRANTED as to all claims against Defendants Lucore, Warner and Jouver; and

-GRANTED in favor of Beard, McCormick, Balos, Brooks, Sobina, Mark and Watson on both the failure-to-protect and failure-to-supervise claims against them.

The Clerk of Courts is directed to terminate the following Defendants from this action: Brooks, McCormick, Sobina, Beard, Mark, Watson, Franz, Lucore, Warner, Jouver, and Balos.

The Report and Recommendation [ECF No. 51] of Magistrate Judge Baxter, filed on July 31, 2012, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge