

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

COREY BRACEY,)
)
Plaintiff,)
v.)
)
PENNSYLVANIA DEPARTMENT OF)
CORRECTIONS; Superintendent)
HARLOW; Deputy HALL; Deputy)
BRYANT; Major GILLMORE; Major)
SUTTER; Captain WHITE; Captain)
FRONZ; Captain MORROW; Lieutenant)
DEAL; Sergeant WOLFE; Correction)
Officer STAFFORD; MAXINE OVERTON;)
Dr. ROMAN; MENTAL HEALTH)
MANAGEMENT; WILLIAM WOODS;)
JOE BROWNLEE; E. BROWNLEE, GR-)
9693; Correction Officer HARMON;)
Lieutenant IRWIN; and Sergeant RUFF,)
)
Defendants.)

Case No. 1:11-cv-4-SJM-MPK

MEMORANDUM ORDER

The above-captioned pro se prisoner civil rights case was received by the Clerk of Court on January 4, 2011. It was originally referred to Magistrate Judge Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Civil Rules 72.C and D.

On June 22, 2011, this case was referred to Magistrate Judge Maureen Kelly. ECF No. [20]. Judge Kelley’s Report and Recommendation [74], filed on February 17, 2012, recommends that the partial motion to dismiss [40] filed by the DOC Defendants be granted in part and denied in part. Plaintiff was allowed fourteen (14) days from the date of service in which to file objections. Service was made on Plaintiff by certified

mail at SCI-Smithfield, where he is incarcerated. No objections to the Report and Recommendation have been filed to date. After de novo review of the complaint and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 8th day of March, 2012;

IT IS HEREBY ORDERED that the motion to dismiss [40] filed on behalf of the DOC Defendants shall be, and hereby is, GRANTED in part and DENIED in part as follows:

1. The motion shall be GRANTED insofar as it relates to Plaintiff's Eighth Amendment claims arising out of medication distribution security procedures and alleged medical malpractice and, accordingly, those claims shall be, and hereby are, DISMISSED with prejudice;
2. The motion shall be GRANTED insofar as it relates to Plaintiff's claims directed against the Department of Corrections and, accordingly, those claims shall be, and hereby are, DISMISSED with prejudice; and
3. The motion shall be DENIED in all other respects.

IT IS FURTHER ORDERED that the Report and Recommendation [74], filed on February 17, 2012 by Magistrate Judge Kelly, is adopted as the opinion of the Court.

Sean J. McLaughlin

Sean J. McLaughlin
U.S. District Judge

cc: COREY BRACEY
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Counsel of Record via CM-ECF
U.S. Magistrate Judge Kelly