

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

ARCHIE TINDELL,  v.  DEPT. OF CORRECTIONS, et al, Defendants.	) ) ) ) ) )	C.A. No. 11-173 Erie
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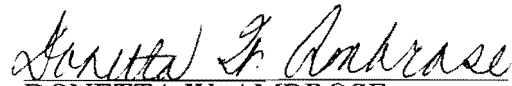
**MEMORANDUM ORDER**

Plaintiff's complaint was received by the Clerk of Court on August 15, 2011, 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, issued on October 11, 2013, recommended that the motion to dismiss filed by the Medical Defendants [Dkt. #58] , and renewed at [Dkt. #198] be granted in its entirety. The Clerk of Courts should be directed to terminate Lucas, Maxa, and ORourke as parties to this action. It is further recommended that Plaintiff's motion to seek discovery under Rule 56(d) [Dkt. #204] be DENIED. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by mail at SCI Forest, where he is incarcerated, and on Defendants. Objections were filed by Plaintiff on November 15, 2013. 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 2<sup>nd</sup> Day of ~~November~~ December, 2013;

IT IS HEREBY ORDERED that the motion to dismiss filed by the Medical Defendants [Dkt. #58] , and renewed at [Dkt. #198] is GRANTED in its entirety. The Clerk of Courts is directed to terminate Lucas, Maxa, and ORourke as parties to this action. It is further ORDERED that Plaintiff's motion to seek discovery under Rule 56(d) [Dkt. #204] is DENIED. The report and recommendation of Magistrate Judge Baxter, issued October 11, 2013, is adopted as the opinion of the court.

  
DONETTA W. AMBROSE  
United States District Judge

all parties of record \_\_\_\_\_