

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

JOSE CRUZ,)	
)	
)	
Plaintiff,)	
v.)	Civil Action No. 17-175 Erie
)	Judge Nora Barry Fischer
SUPERINTENDENT NANCY GIROUX, et al.,)	
)	
)	
Defendants.)	

MEMORANDUM ORDER

The present action was filed with this Court on July 3, 2017. The case was referred to United States Magistrate Judge Susan Paradise Baxter for a report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72 of the Local Rules for Magistrate Judges.

Plaintiff Jose Cruz filed a Motion for Preliminary Injunction [ECF No. 13] on October 23, 2017. Magistrate Judge Baxter held a hearing on the motion on December 12, 2017. At the conclusion of the hearing, the Magistrate Judge issued an oral Report and Recommendation (“R&R”) [ECF No. 19] recommending that Plaintiff’s motion be denied. Plaintiff was informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Local Rule of Court 72.D.2 he had until December 29, 2017 to file any objections. Plaintiff timely submitted a document styled a “Motion Response in Opposition” to the R&R [ECF No. 22] which the Court construes as Plaintiff’s Objections to the R&R. However, Plaintiff’s objections are without merit.

After a *de novo* review of the pleadings and documents in this case, together with the transcript of the hearing and the Magistrate Judge's oral R&R, the following order is entered:

IT IS HEREBY ORDERED that Plaintiff's Motion for Preliminary Injunction [ECF No. 13] is DENIED.

IT IS FURTHER ORDERED that the Report and Recommendation [ECF No. 19] of Magistrate Judge Susan Paradise Baxter is hereby adopted as the opinion of the district court.

/s/ Nora Barry Fischer
Nora Barry Fischer
United States District Judge

Date: January 12, 2018

CC/ECF: All parties of record.

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