



Pennsylvania state institution and prison job, in violation of his Eighth and Fourteenth Amendment rights and DOC rules. On June 5, 2020, Plaintiff filed a motion for “summary/declaratory” judgment [ECF No. 38]; however, the motion was not accompanied by either a concise statement of material facts or a supporting brief, as required by Rule 56(B) of the Local Rules of this Court. Nonetheless, Defendants filed a brief in opposition to Plaintiff’s motion [ECF No. 50], to which Plaintiff filed a response [ECF No. 54].

On January 29, 2021, Magistrate Judge Lanzillo issued a report and recommendation (“R&R”) recommending that Defendant’s motion for “summary/declaratory” judgment [ECF No. 38] be denied as a result of Plaintiff’s failure to comply with Local Rule 56(B). [ECF No. 81]. Timely objections to the R&R have since been filed by Plaintiff, in which Plaintiff argues that he was unable to submit a brief with case citation because “the DOC is preventing inmates from attending the law library due to a major Covid-19 infestation at SCI-Albion since late Dec., 2020....” (ECF No. 82, at ¶ 1). However, this argument in no way justifies Plaintiff’s failure to file a brief with his motion, which was filed in June 2020, nor does it account for the lack of a statement of material facts. As the Magistrate Judge aptly notes, a *pro se* litigant may not ignore procedural rules simply because they are proceeding without legal counsel. (ECF No. 81, at p. 4). Moreover, the merits of Plaintiff’s claims and legal arguments will still be fully and fairly considered by the Court in connection with its determination of Defendants’ own motion for summary judgment [ECF No. 74], which remains pending.

Thus, after de novo review of the complaint and documents in this case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 16th day of February, 2021;

IT IS HEREBY ORDERED that Plaintiff's motion for "summary/declaratory" judgment [ECF No. 38] is DENIED. The report and recommendation of Magistrate Judge Lanzillo, issued January 29, 2021 [ECF No. 81], is adopted as the opinion of the Court.

A handwritten signature in black ink, reading "Susan Paradise Baxter". The signature is fluid and cursive, with a horizontal line drawn across the bottom of the signature.

SUSAN PARADISE BAXTER  
United States District Judge

cc: The Honorable Richard A. Lanzillo  
United States Magistrate Judge