

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

MARCUS R. JOHNSON,

Plaintiff,

vs.

DR. MONTAG, SCI FOREST'S DENTIST,

Defendant.

Case No. 1:22-cv-186

ORDER

This *pro se* civil rights action was commenced pursuant to 42 U.S.C. §1983 by Plaintiff Marcus R. Johnson, an inmate at SCI-Forest. Among the claims Plaintiff asserted in his operative pleading was his claim that Dr. Montag, the prison's dentist, displayed deliberate indifference to his serious medical needs and thereby violated Plaintiff right under the Eighth Amendment to be free from cruel and unusual punishment.

On August 9, 2024, Chief United States Magistrate Judge Richard A. Lanzillo entered a Report and Recommendation ("R&R") in which he opined that this Court should grant Dr. Montag's motion for summary judgment on Plaintiff's Eighth Amendment claim. ECF No. 82. Plaintiff's objections to the R&R were initially due on August 26, 2024, but the Court later extended that deadline to August 30, 2024. ECF Nos. 82, 84.

On September 3, 2024, this Court issued a final order adopting Judge Lanzillo's R&R and entered judgment in favor of Dr. Montag. ECF Nos. 85, 86. The following day, the Clerk received and docketed Plaintiff's objections. ECF No. 88.¹ The objections are dated August 28,


¹ The Court also received and docketed a duplicate copy of Plaintiff's previously granted motion seeking an extension of time for filing objections to August 30, 2024. ECF No. 87. This duplicative motion currently remains pending and will be dismissed as moot.

2024 and bear a post-mark date of August 30, 2024. *Id.* Accordingly, under the prisoner “mailbox rule,” they are deemed filed no later than August 30, 2024, making them timely within the extension period previously granted by this Court. *See Pabon v. Mahanoy*, 654 F.3d 385, 391 n.8 (3d Cir. 2011) (“The federal ‘prisoner mailbox rule’ provides that a document is deemed filed on the date it is given to prison officials for mailing.”).

On October 17, 2024, the Clerk docketed Plaintiff’s motion for relief from judgment. ECF No. 89. This motion is predicated on the Court’s failure to consider his timely filed objections to the R&R. The Court finds that Plaintiff’s motion for relief is well-taken. Accordingly,

IT IS ORDERED, this 27th day of January, 2025, that Plaintiff’s Motion for Relief from a Final Judgment, ECF No. [89], is GRANTED, and the Court’s Memorandum Order and Judgment Order, previously docketed at ECF Nos. [85] and [86] are hereby VACATED. The Clerk is directed to reactivate the Chief United States Magistrate Judge’s Report and Recommendation at ECF No. [82] as well as Defendant Montag’s Motion for Summary Judgment at ECF No. [57]. The Court will review, on a *de novo* basis, the underlying summary judgment motion and all filings related thereto, the Chief Magistrate Judge’s Report and Recommendation, and the Plaintiff’s timely-filed objections to the R&R. Following its *de novo* review, the Court will issue a final order on the matter in due course.

IT IS FURTHER ORDERED that Plaintiff’s duplicative motion for an extension of time to file objections, ECF No. [87], is DISMISSED as moot.


SUSAN PARADISE BAXTER
United States District Judge