

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

LEONARD YOUNG,

Plaintiff,

v.

**PA DEPARTMENT OF
CORRECTIONS, et al.,**

Defendants.

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Civil Action No. 1:22-cv-327

MEMORANDUM ORDER

This *pro se* prisoner civil action was received by the Clerk of Court on October 27, 2022 and referred to United States Magistrate Judge Richard A. Lanzillo for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and the Local Rules for Magistrate Judges. ECF No. 1. Plaintiff is an inmate at the State Correctional Institution at Albion (“SCI-Albion”) who identifies as a transgender female. She has asserted claims under 42 U.S.C. §1983 against the Pennsylvania Department of Corrections (“DOC”) as well as nine individuals who serve as DOC officials or medical staff at SCI-Albion.

In her amended complaint (the operative pleading), ECF No. 14, Plaintiff alleges that she has been subjected to procedural due process violations, excessive force, unconstitutional conditions of confinement, deliberate indifference to her serious medical needs, and retaliation for constitutionally protected conduct. As redress for these alleged violations, Plaintiff seeks declaratory, injunctive, and compensatory relief.

Currently before the Court is Plaintiff’s Motion for Preliminary Injunction/Temporary Restraining Order, ECF No. 15, which was filed of record on November 23, 2022 -- five days after the amended complaint had been docketed, but before any pleading had been served. On

December 5, 2022, Magistrate Judge Lanzillo issued a report and recommendation (“R&R”), ECF No. 18, in which he opined that Plaintiff’s request for a TRO should be denied and her request for a preliminary injunction should be deferred pending service of the motion and the amended complaint upon Defendants and, if necessary, a hearing on the motion. ECF No. 36. Objections to the Magistrate Judge’s R&R were due to be filed by December 22, 2022.

Plaintiff did not file objections within the time period allowed under the Federal Rules of Civil Procedure and the local rules of this Court; instead, on January 3, 2023 she filed a “Motion for Emergency Hearing [and] Request for Temporary Restraining Order and/or Preliminary Injunction,” ECF No. 24, which was docketed on January 5, 2023. In this motion, Plaintiff offers more specific allegations of the violations she is allegedly enduring at the hands of the Defendants. Because Plaintiff’s original Motion for Preliminary Injunction/Temporary Restraining Order is now moot, that motion will be dismissed, and the Court will decline to adopt the Magistrate Judge’s R&R addressing that motion. Plaintiff is advised, however, that, moving forward, the Court will not entertain newly filed motions for emergency injunctive relief in lieu of objections when a pending Report and Recommendation addresses an extant request for emergency injunctive relief. Accordingly,

IT IS ORDERED, this 18th day of January, 2023, that Plaintiff’s Motion for Preliminary Injunction/Temporary Restraining Order, docketed at ECF No. [15], is DISMISSED as moot. Given this ruling, the Court will decline to adopt the Report and Recommendation issued by Magistrate Judge Lanzillo on December 5, 2022, ECF No. [18], as a superseding Report and Recommendation addressing the motion at ECF No. [24] will presumably issue in due course.



SUSAN PARADISE BAXTER
United States District Judge

cm: Leonard Young
QA-0396
SCI Albion
10745 Route 18
Albion, PA 16475-0001
(via U.S. Mail)

The Honorable Richard A. Lanzillo (via CM/ECF)