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

JEROME KEON GARDLEY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**Case No. 1:23-CV-321**
	)	
WEXFORD HEALTH SERVICES, et al,	)	
	)	
Defendants.	)	

MEMORANDUM ORDER

This action was received by the Clerk of Court on November 15, 2023. The matter was assigned and referred to Chief United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Plaintiff's legal claims arise out of an alleged failure of Defendants to provide adequate dental treatment during Plaintiff's incarceration at the Erie County Prison. As Defendants to this action, Plaintiff has named Wexford Health Services, Doctor Kohler, Physicians Assistant Kang, Millcreek Community Hospital Emergency Room Dr. John Doe, Deputy Warden Michael Holman, and Counselor Heather Martin.

In response to the complaint, Defendants Holman and Martin filed a motion to dismiss. ECF No. 14. On November 13, 2024, Judge Lanzillo issued a Report and Recommendation recommending that the claims against Defendants Holman and Martin be dismissed with prejudice. ECF No. 24. To date, no objections have been filed.

Plaintiff filed a motion for temporary restraining order requesting that Defendant Holman be prevented from intercepting Plaintiff's messages in the ECP's messaging system and denying his requests therein. ECF No. 22. On November 20, 2024, Judge Lanzillo issued a Report and Recommendation recommending that Plaintiff's request for a temporary restraining order be denied in light of his recommendation that Defendant Holman be dismissed from this lawsuit due to Plaintiff's failure to state a claim against him. ECF No. 25. To date, no objections have been filed.

"If a party objects timely to a magistrate judge's report and recommendation, the district court must 'make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.'" *EEOC v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) *quoting* 28 U.S.C. § 636(b)(1). Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Local Rule 72(D)(2).

After *de novo* review of the complaint and documents in the case, the motion for temporary restraining order, together with both reports and recommendations, the following order is entered:

AND NOW, this 3rd day of January 2025;

IT IS ORDERED that the motion to dismiss filed by Defendants Holman and Martin [ECF No. 14] is granted.

IT IS FURTHER ORDERED that Plaintiff's motion for temporary restraining order [ECF No. 22] is denied.

IT IS FINALLY ORDERED that the report and recommendation of Chief Magistrate Judge Lanzillo, issued on November 13, 2024 [ECF No. 24], as well as the report and recommendation issued on November 20, 2024 [ECF No. 25], are adopted as the opinions of the court. The Clerk of Court is directed to terminate Defendants Holman and Martin on the docket.

s/Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States District Judge