

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

NICHOLE HAWKINS,)	
Plaintiff,)	
)	
v.)	Case No. 1:23-CV-354
)	
FORMER SUPERINTENDENT)	
OLIVER, et al,)	
Defendants.)	

MEMORANDUM ORDER

This action was received by the Clerk of Court on December 8, 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 has filed a number of amended complaints. The operative complaint is the Second Amended Complaint, docketed at ECF No. 61. Plaintiff alleges, inter alia, that Defendants violated her constitutional rights and that she suffered from medical malpractice at the hands of a private physician.

On July 29, 2024, Plaintiff moved for a restraining order requesting that Dr. Wagner (who previously performed a hysterectomy) not be allowed to treat her and that she be allowed to make toll-free calls to find a medical malpractice attorney. ECF No. 43.

On October 3, 2024, Judge Lanzillo issued a Report and Recommendation recommending that Plaintiff’s motion for temporary restraining order be denied. ECF No. 63. Plaintiff filed Objections to that Report and Recommendation. ECF No. 63.


“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). A district court is not required to make any separate findings or conclusions when reviewing a recommendation *de novo* under 28 U.S.C. § 636. *See Hill v. Barnacle*, 655 Fed. App’x 142, 148 (3d Cir. 2016) (“District courts are not required to make any separate findings or conclusions when reviewing a Magistrate Judge’s recommendation *de novo* under 28 U.S.C. § 636(b). We presume that the District Court engaged in the required *de novo* review absent some indication to the contrary. There is no such indication here because the District Court noted Hill’s objections and stated that it reviewed the record independently.”) (internal citation omitted).

After *de novo* review of the Second Amended Complaint and documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 22nd day of November 2024;

IT IS ORDERED that Plaintiff’s motion for temporary restraining order [ECF No. 43] is denied.

AND, IT IS FURTHER ORDERED that the report and recommendation of Chief Magistrate Judge Lanzillo, issued on October 3, 2024 [ECF No. 63] is adopted as the opinion of the court.


SUSAN PARADISE BAXTER
United States District Judge