

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

AND NOW, THIS 27 DAY OF  
Jan 09, IT IS HEREBY  
ORDERED THAT THE WITHIN  
MOTION IS DENIED.

Anthony Williams AY-6759

Plaintiff

*G. L. Lancaster*  
GARY L. LANCASTER,  
UNITED STATES DISTRICT JUDGE

v.

Lt. Fort, et,al.

Defendants

Civil Action No. 04-12

Judge Gary L. Lancaster

Mag. Judge Bissoon

MOTION FOR RECONSIDERATION OF IT MEMORANDUM

ORDER DATED 12/29/08 and 1/15/09 THE

FOLLOWING REASONS:

**FILED**

JAN 27 2009

CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA

1). Plaintiff filed a civil action complaint in the court on January 5th 2004 against Defendants Department of Corrections Officials for violating of his Constitutional Rights while he was incarcerated at SCI- Pittsburgh, however of on October 12, 2007, he was transferred to SCI-Smithfield.

2). On 1/5/04 Clerk of Court referred Plaintiff pro se case to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with Magistrates Act, 28 U.S.C. §636 (b)(1) and rule 72.1.3 and 72.1.4 of the local rules for Magistrates.

3). The case was dismissed for failure to prosecute but was remanded to this Court by the Court of Appeals for the Third Circuit. It was again assigned to Magistrate Judge Caiazza but was reassigned to Magistrate Judge Cathy Bissoon on August 1, 2008.

4). The Magistrate Judge Report and Recommendation, (Doc. 78) filed on November 3, 2008 recommended, that the parties motion to dismiss should be