

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

ERIC M. MISKOVITCH,)	
)	Civil Action No. 06 - 1410
Plaintiff,)	
)	Donetta W. Ambrose
v.)	
)	
LT. HOSTOFFER, <i>et al.</i> ,)	Doc. No. 126
)	
Defendants.)	

MEMORANDUM ORDER

The above captioned case was received on October 20, 2006, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings 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.

The Magistrate Judge's Report and Recommendation filed on December 2, 2009 (doc. no. 126) recommended that the Motion for Summary Judgment Pursuant to Fed.R.Civ.P. Rule 56(c) or in the Alternative, Motion for Default Judgment Pursuant to Fed.R.Civ.P. Rule 55(b)(2) Relative to Defendant Rodriguez (doc. no. 114) filed by the Plaintiff be denied. Plaintiff was served with the Report and Recommendation and advised that he had fourteen days within which to file objections to the Report and Recommendation. No objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 4th day of February, 2010;

IT IS HEREBY ORDERED that Plaintiff's Motion for Summary, or in the Alternative, Motion for Default Judgment relative to Defendant Rodriguez (doc. no. 114) is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 126 of Magistrate Judge Lenihan dated December 2, 2009, is adopted as the Opinion of the Court.

By the Court:



Donetta W. Ambrose

United States District Judge

cc: Eric M. Miskovitch
49844
Allegheny County Jail
950 Second Avenue
Pittsburgh, PA 15219