

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

ERIC M. MISKOVITCH,	)	
	)	
Plaintiff,	)	Civil No. 06-1410
	)	
v.	)	Judge Donetta W. Ambrose
	)	
LT. HOSTOFFER, et al.,	)	
	)	
Defendants	)	

**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 Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation (doc. no. 232), filed on May 28, 2010, recommended that the Motion for Summary Judgment filed by the Commonwealth Defendants (doc. no. 132) be granted, that the Motion for Summary Judgment filed by Defendant Dr. Petras (doc. no. 218) be denied and that Plaintiff's Cross Motion for Summary Judgment (doc. no. 144) be denied. Both Plaintiff and Dr. Petras filed Objections to the Report and Recommendation on June 11, 2010 (doc. nos. 239 & 240). The objections do not undermine the recommendation of the Magistrate Judge. After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, the following order is entered:

**AND NOW**, this 14th day of June, 2010;


**IT IS HEREBY ORDERED** that the Motion for Summary Judgment filed by the Commonwealth Defendants (doc. no. 132) is **GRANTED**.

**IT IS FURTHER ORDERED** that the Motion for Summary Judgment filed by Defendant Dr. Petras (doc. no. 218) is **DENIED**.

**IT IS FURTHER ORDERED** that Plaintiff's Cross Motion for Summary Judgment (doc. no. 144) is **DENIED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (doc. no. 232) of Magistrate Judge Lenihan, dated May 28, 2010, is adopted as the Opinion of the court.

By the Court:



Donetta W. Ambrose  
United States District Judge

cc: Eric M. Miskovitch  
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