

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

|                               |   |                            |
|-------------------------------|---|----------------------------|
| CARLOS HARRIS,                | ) |                            |
|                               | ) | Civil Action No. 07 - 216  |
| Plaintiff,                    | ) |                            |
|                               | ) | Judge Joy Flowers Conti    |
| v.                            | ) |                            |
|                               | ) | Magistrate Judge Lisa Pupo |
| OFFICER MICHAEL REDDY,        | ) | Lenihan                    |
| Pittsburgh Police Department; | ) |                            |
| OFFICER SEAN RATTIGAN,        | ) |                            |
| Pittsburgh Police Department; | ) | Doc. No. 31                |
| OFFICER ROBERT PIRES,         | ) |                            |
| Pittsburgh Police Department; | ) |                            |
| OFFICER JOHN SEZENSKY,        | ) |                            |
| Pittsburgh Police Department; | ) |                            |
| OFFICER BURFORD, Pittsburgh   | ) |                            |
| Police Department and         | ) |                            |
| PITTSBURGH POLICE DEPARTMENT, | ) |                            |
| Zone 5                        | ) |                            |

Defendants.

**MEMORANDUM ORDER**

Plaintiff's complaint was received by the Clerk of Court on February 20, 2007 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 Magistrate Judges.

The Magistrate Judge's Report and Recommendation, filed on June 29, 2009 (Doc. No. 44), recommended that Defendants' Motion for Summary Judgment (Doc. No. 31) be denied. Service was made on Plaintiff at SCI-Greene, 175 Progress Drive, Waynesburg, PA 15370, and on counsel for Defendants. No objections to the Report and Recommendation were filed. After review of the pleadings and

documents in the case, together with the Report and Recommendation,  
the following Order is entered:

AND NOW, this 2nd day of September, 2009,

IT IS HEREBY ORDERED that Defendants' Motion for Summary  
Judgment (Doc. No. 31) is DENIED.

The Report and Recommendation of Magistrate Judge  
Lenihan, dated June 29, 2009 (Doc. No. 44), is adopted as the  
opinion of the Court.

/s/ Joy Flowers Conti  
JOY FLOWERS CONTI  
United States District Judge

cc: The Honorable Lisa Pupo Lenihan  
United States Magistrate Judge

Carlos Harris, EW5113  
SCI Greene  
175 Progress Drive  
Waynesburg, PA 15370

All Counsel of Record  
*Via Electronic Mail*