

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

JAMES H. COLEMAN, JR.,)	
)	
Plaintiff,)	Civil Action No. 07-1351
)	
v.)	Judge Lancaster
)	Magistrate Judge Bissoon
PENNSYLVANIA STATE POLICE,)	
<i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

On August 1, 2008, this case was referred to United States Magistrate Judge Cathy Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On August 27, 2008, Judge Bissoon issued a Report (Doc. 32) recommending that the McDonald Borough Defendants' Motion to Dismiss in the Form of Summary Judgment (Doc. 23) be granted, and that the claims against the Pennsylvania State Police Defendants be dismissed pursuant to Federal Rule 4(m).

Service of the Report and Recommendation was made on the parties. Plaintiff has filed a Motion to Disqualify Judge Bissoon (Doc. 33), which also states arguments objecting to the Magistrate Judge's analyses and conclusions. *See id.* The objections period otherwise has expired, and the Report and Recommendation ("R&R") is ripe for adjudication.

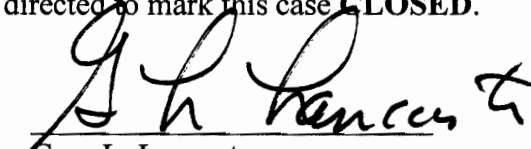
To the extent Plaintiff's Motion to Disqualify objects to the analyses in the R&R, those objections were adequately addressed and rejected in the R&R and therefore are **OVERRULED**.

To the extent Plaintiff seeks disqualification of Judge Bissoon, he has failed to identify any valid legal basis for his request, and his Motion (**Doc. 33**) therefore is **DENIED**.

Otherwise, and after a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and Plaintiff's arguments in objection thereto, the following Order is entered:

AND NOW, on this 17th day of Sept, 2008, IT IS HEREBY ORDERED that the McDonald Borough Defendants' Motion to Dismiss in the Form of Summary Judgment (**Doc. 23**) is **GRANTED**,¹ and the claims against the Pennsylvania State Police, Timothy Motte, Kenneth Konek, Frank Konek, Jon Demi, and Corporal Louis M. Reda are **DISMISSED WITHOUT PREJUDICE** pursuant to Federal Rule 4(m).

The Report and Recommendation of Judge Bissoon dated August 27, 2008 is adopted as the Opinion of the District Court, and the Clerk is directed to mark this case **CLOSED**.


Gary L. Lancaster
United States District Judge

cc (via email):

Mary Lynch Friedline, Esq.
Paul D. Krepps, Esq.

cc (via First Class U.S. Mail):

James H. Coleman, Jr.
Washington County Jail
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¹ The McDonald Borough Defendants are identified as the McDonald Police Department, Chief Mark Dorsey, James Falkner, and Michael North.