

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

ANTHONY C. ALLEN,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 07-1398
)	Judge Schwab
JEFFREY A. BEARD, et al.,)	Magistrate Judge Bissoon
)	
Defendants.)	

MEMORANDUM ORDER

Anthony C. Allen's civil rights complaint was received on October 16, 2007, and was referred to United States Magistrate Judge Francis X. Caiazza 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 matter was later assigned to United States Magistrate Judge Cathy S. Bissoon.

The Magistrate Judge filed two Reports and Recommendations on July 9, 2009. The first (Doc. 77) recommended that Defendant Saavedra's Motion for Summary Judgment (Doc. 71) be granted, and the second (Doc. 78) recommended that the Motion for Partial Summary Judgment (Doc. 68) filed by the remaining Defendants be granted. The parties were allowed ten days from the date of service to file objections. Service was made on the Plaintiff by First Class United States Mail delivered to his place of incarceration, the State Correctional Institution at Fayette, located in LaBelle, Pennsylvania. Plaintiff requested an

extension of time to file Objections (Doc. 79). This motion was granted (Doc. 81) and Objections were due on or before August 7, 2009. No Objections have been filed.

After de novo review of the pleadings and documents in the case, together with the Reports and Recommendations, the following order is entered:

AND NOW, this 12th day of August, 2009,

IT IS HEREBY ORDERED that Defendant Saavedra's Motion for Summary Judgment (Doc. 71) is GRANTED. The Magistrate Judge's Report and Recommendation (Doc. 77) is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion for Partial Summary Judgment (Doc. 68) filed by the remaining Defendants is GRANTED. The Magistrate Judge's Report and Recommendation (Doc. 78) is adopted as the Opinion of the Court¹.

s/Arthur J. Schwab
Arthur J. Schwab
U.S. District Court Judge

cc:
ANTHONY C. ALLEN
BQ-6634
SCI Fayette
Box 9999
LaBelle, PA 15450

1. Only Plaintiff's claims of excessive force and retaliation made against Defendants Stoner, Mains, Staley, Schompert, and Reposky now remain.