

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

GERALD ALLEN GREGG,)
Plaintiff,)

vs.)

Civil Action No. 07-1544
Judge Terrence F. McVerry/
Magistrate Judge Amy Reynolds Hay

JOHN C. PETTIT, former District Attorney)
of Washington County, in his official and)
individual capacities; JOSEPH PELZER,)
Warden of the Washington County)
Correctional Facility, in his official and)
individual capacities; JAMES)
McELHANEY, Detective for the)
Pennsylvania State Police, in his)
professional and individual capacities;)
AS-YET-UNKOWN DEFENDANT(S);)
MICHAEL LUCAS, Assistant District)
Attorney of Washington County, in his)
professional and individual capacities;)
ANTHONY POPECK, Investigator for)
Washington County DA’s Office, in his)
professional and individual capacities;)
TIM WARCO, Washington County)
Coroner, in his official and individual)
capacities; PATRICK LEARY, Trooper)
for Pennsylvania State Police, in his)
professional and individual capacities;)
PENNSYLVANIA STATE POLICE)
WASHINGTON COUNTY TROOP B;)
WASHINGTON COUNTY)
CORRECTIONAL FACILITY;)
WASHINGTON COUNTY,)
PENNSYLVANIA c¶ BOARD OF)
COMMISSIONERS; WASHINGTON)
COUNTY OFFICE OF THE DISTRICT)
ATTORNEY,)
Defendants.)

ORDER

AND NOW, this 8th day of January, 2009, after the plaintiff, Gerald Allen Gregg,
filed an action in the above-captioned case, and after defendants filed various motions to dismiss,

and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until December 19, 2008, to file written objections thereto, and upon consideration of the objections filed by plaintiff, which the Court finds to be without merit, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that defendants' motions to dismiss are GRANTED with respect to the federal law claims and most of the state law claims. IT IS FURTHER ORDERED that the Court declines to exercise supplemental jurisdiction over the remaining state law claims against Defendants Pelzer and Warco.

IT IS FINALLY ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

s/ Terrence F. McVerry
Terrence F. McVerry
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

Gerald Allen Gregg
670 Cleveland Road
Washington, PA 15501

Counsel of Record via CM-ECF