

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

DANIEL J. GOODSON, III, <i>et al</i> ,)	
)	
Plaintiffs,)	
)	Civil Action No. 08-44
v.)	
)	
LAWRENCE O. MAGGI, <i>et al</i> ,)	Chief Judge Gary L. Lancaster
)	Magistrate Judge Lisa Pupo Lenihan
Defendants.)	Doc. No. 227

MEMORANDUM ORDER

Plaintiffs' Complaint was received by the Clerk of Courts on January 11, 2008 and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judge's 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 (Doc. No. 227) filed on February 24, 2010, recommended that the Motion to Dismiss Amended Complaint filed by Defendants Jeffrey A. Beard and Christopher J. Neal (Doc. No. 122) be denied without prejudice. Service was made on all counsel of record and *pro se* Plaintiff Daniel J. Goodson, III.¹ The parties were informed that in accordance with the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1)(B) and (C), and FEDERAL RULE OF CIVIL PROCEDURE 72(b)(2), and Local Rule of Court 72.D.2., the parties had fourteen (14) days from the date of service to file objections to the Report and Recommendation. No objections have been filed. After review of the pleadings and documents in the case, along with the Report and Recommendation, the following Order is entered:

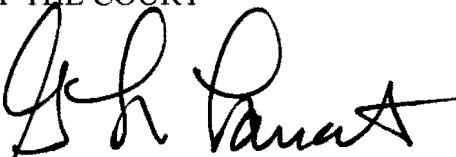
¹Pursuant to Magistrate Judge Lenihan's text order entered on September 10, 2009, service on Plaintiffs is made to adult Plaintiff Daniel Goodson, III only.

AND NOW, this 13th day of March, 2010;

IT IS HEREBY ORDERED that the Motion to Dismiss (Doc. No. 122) filed by Defendants Jeffrey A. Beard and Christopher J. Neal is **DENIED** without prejudice.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 227) of Magistrate Judge Lenihan, dated February 24, 2010, is adopted as the Opinion of the Court.

BY THE COURT



Honorable Gary L. Lancaster
Chief United States District Judge

cc: All counsel of record
Via Electronic Mail

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