

**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.)	Re: Doc. No. 228

MEMORANDUM ORDER

Plaintiffs' Complaint was received by the Clerk of Court 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. 228) filed on March 1, 2010, recommended that the Motion to Dismiss filed by J. Bracken Burns, Sr., Diana Irely, Jeffrey Felton, Nancy Gray, Lawrence O. Maggi, Michael Lucas, Esq., Michael Namie, Phyllis Ranko Matheny, Samuel F. Romano, Hayley Foster, Joseph Pelzer, Patricia Maxon, Patricia Berdine, Barbara Gibbs, and John Pettit, Esq. (Doc. No. 108) be granted in part and denied in part. It further recommended that in the interest of judicial economy, the claims remaining against Washington County Correctional Facility be stayed until the conclusion of the pending state court proceedings. It also recommended that the case be administratively closed until that time. Finally, it was recommended that Counsel for the Washington County Children and Youth Services be ordered to notify the Court within 20 days of the conclusion of the

pending state court proceedings so that the case can be reopened. 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 the documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 29th day of March, 2010;

IT IS HEREBY ORDERED that the Motion to Dismiss (Doc. No. 108) filed by Defendants J. Bracken Burns, Sr., Diana Irely, Jeffrey Felton, Nancy Gray, Lawrence O. Maggi, Michael Lucas, Esq., Michael Namie, Phyllis Ranko Matheny, Samuel F. Romano, Hayley Foster, Joseph Pelzer, Patricia Maxon, Patricia Berdine, Barbara Gibbs, and John Pettit, Esq. is **GRANTED IN PART AND DENIED IN PART** as set forth in the Report and Recommendation. In the interest of judicial economy, the claims remaining against Washington County Correctional Facility are stayed until the conclusion of the pending state court proceedings.

IT IS FURTHER ORDERED that the case be administratively closed until the conclusion of the pending state court proceedings, and that Counsel for the Washington County Children and Youth Services is **ORDERED** to notify the Court within 20 days of the conclusion of the pending state court proceedings so that the case can be reopened.

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.

IT IS FURTHER ORDERED that the Report and Recommendation
(Doc. No. 228) of Magistrate Judge Lenihan, dated March 1, 2010, is adopted as the Opinion of
the Court.

BY THE COURT

A handwritten signature in black ink, appearing to read "G L Lancaster", written over a horizontal line.

Honorable Gary L. Lancaster
Chief United States District Judge

cc: All counsel of record
Via Electronic Mail

Daniel J. Goodson, III
GW1171
SCI Mahanoy
301 Morea Road
Frackville, PA 17932