

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

ANDRE JACOBS,	)	
	)	
Plaintiff,	)	Civil Action No. 08-470
	)	Judge Conti
v.	)	Magistrate Judge Bissoon
	)	
CITY OF PITTSBURGH, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

Andre Jacobs (“Jacobs” or “plaintiff”) filed his civil rights complaint on April 18, 2010, and it was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules for Magistrate Judges. The matter was later referred to another magistrate judge.

The magistrate judge's Report and Recommendation (Docket No. 89), filed on June 21, 2010, recommended that Defendants’ Motion to Dismiss (Docket No. 57) be granted in part and denied in part. Objections were initially due on or before July 6, 2010, but plaintiff requested an extension of time (Docket No. 91), and his motion was granted making objections due on or before July 27, 2010. No objections have been filed.

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

AND NOW, this 25th day of August, 2010,

IT IS HEREBY ORDERED that Defendants’ Motion to Dismiss (Doc. 57) is GRANTED with respect to Defendant Tutera who is DISMISSED FROM THIS CASE. The motion is also GRANTED with respect to plaintiff’s state law claims, but is DENIED in all other respects. The

Report and Recommendation of Magistrate Judge Bissoon (Docket. No. 89), dated June 21, 2010, is adopted as the opinion of the court.

/s/ Joy Flowers Conti  
Joy Flowers Conti  
United States District Court Judge

cc:  
**ANDRE JACOBS**  
DQ5437  
SCI Coal Township  
1 Kelley Drive  
Coal Township, PA 17866