

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

TERRY KUEHNER,	)	Civil Action No. 08 - 1319
	)	Electronic Filing
Plaintiff,	)	
	)	District Judge David S. Cercone
v.	)	Magistrate Judge Lisa Pupo Lenihan
	)	
PHD JEFFERY BEARD, et al	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

The above captioned case was initiated on September 22, 2008, by the filing of a Motion to Proceed In Forma Pauperis (doc. no. 1) accompanied by a Complaint. It was originally assigned to Magistrate Judge Lisa Pupo Lenihan, but was reassigned to Judge David S. Cercone on April 16, 2009, upon the filing of an appeal of a Magistrate Judge ruling. The case was referred back to Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rule 72.C.2 of the Local Rules.

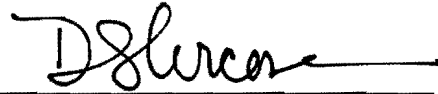
The Magistrate Judge's Report and Recommendation (doc. no. 54), filed on November 25, 2009, recommended that the Motion to Dismiss filed by the Commonwealth Defendants (doc. no. 24) be granted. It is further recommended that the Motion to Dismiss or for More Definite Statement filed by the Medical Defendants (doc. no. 32) be granted to the extent that it seeks a more definite statement of Plaintiff's claims. Plaintiff filed Objections on December 15, 2009 (doc. no. 56). After a review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, the following order is entered:

AND NOW, this 5<sup>th</sup> day of January, 2010;

**IT IS HEREBY ORDERED** that the Motion to Dismiss filed by the Commonwealth Defendants (doc. no. 24) is **GRANTED**.

**IT IS FURTHER ORDERED** that the Motion to Dismiss or for More Definite Statement filed by the Medical Defendants (doc. no. 32) is **GRANTED** to the extent that it seeks a more definite statement of Plaintiff's claims; it is **DENIED** to the extent it seeks dismissal of Plaintiff's claims against the Medical Defendants.

**IT IS FURTHER ORDERED** that the Report and Recommendation (doc. no. 54) of Magistrate Judge Lenihan, dated November 25, 2009, is adopted as the Opinion of the Court.



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David Stewart Cercone  
United States District Judge

cc: Honorable Lisa Pupo Lenihan  
United States Magistrate Judge

Terry Kuehner  
GM-4552  
SCI Fayette  
Post Office Box 9999  
LaBelle, PA 15450-0999

Mary Lynch Friedline, Esquire  
Office of Attorney General  
5<sup>th</sup> Floor, Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219

Kathryn M. Kenyon, Esquire  
Pietragallo Gordon Alfano Bosick & Raspanit  
One Oxford Centre, 38<sup>th</sup> Floor  
301 Grant Street  
Pittsburgh, PA 15219

Samuel H. Foreman, Esquire  
Weber Gallagher Simpson Stapleton Fires & Newby

Suite 1450, 14<sup>th</sup> Floor  
Two Gateway Center  
603 Stanwix Street  
Pittsburgh, PA 15222