

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

JAMAAR BLAKEY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 08-1332
	)	Judge Ambrose
CITY OF PITTSBURGH POLICE, <i>et al.</i> ,	)	Magistrate Judge Bissoon
	)	
Defendants.	)	

**MEMORANDUM ORDER**

Jamaar Blakey's complaint pursuant to 42 U.S.C. § 1983 was submitted to the Court on September 23, 2008, and was referred to United States Magistrate Judge Cathy Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on March 3, 2010, recommended that the Defendants' Motion for Summary Judgment (Doc. 32) be granted in part and denied in part. Objections were due on or before March 18, 2010, and Defendant Viscomi filed objections that same date (Doc. 41). Plaintiff did not file objections, but has filed a Motion for Extension of Time to File Objections (Doc. 42) asserting that he did not receive the Report and Recommendation until March 17, 2010, as a result of a change in his place of incarceration. The Court can readily discern Plaintiff's objections from his Response to the Motion for Summary Judgment (Doc. 37) and has considered Plaintiff's arguments in making its ruling. Accordingly, the Court sees no reason to extend the time for filing objections. If, however, Plaintiff has arguments to make that are not included in his prior pleadings, he may do so

through a motion seeking reconsideration of this Court's order, and the Court will not consider any such arguments waived due to Plaintiff's failure to timely file objections.

After de novo 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 25<sup>th</sup> day of March, 2010,

IT IS HEREBY ORDERED that Defendants' Motion for Summary Judgment (Doc. 32) is GRANTED IN PART AND DENIED IN PART. The only claim remaining in this case is Plaintiff's claim against Defendant Viscomi for excessive force during an arrest.

IT IS FURTHER ORDERED that Plaintiff's Motion for Extension of Time to File Objections (Doc. 42) is DENIED without prejudice to Plaintiff's right to file a motion seeking reconsideration of this Order.

s/Donetta W. Ambrose  
Donetta W. Ambrose  
United States District Court Judge

cc:  
JAMAAR A. BLAKEY  
108384  
Allegheny County Jail  
950 Second Ave  
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