

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

ERNEST PORTER,	)	
	)	
Plaintiff,	)	Civil Action No. 09-549
	)	
v.	)	Senior Judge Ambrose
	)	Magistrate Judge Bissoon
JEFFREY A. BEARD, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

Plaintiff Ernest Porter (“Plaintiff”) is an inmate at the State Correctional Institution at Greene (“SCI-Greene”) who has filed a civil rights action pursuant to the provisions of the Civil Rights Act of 1871, 42 U.S.C. § 1983. In his amended complaint (Doc. 13) Plaintiff raised multiple constitutional and state law claims against several Defendants. Defendants filed a motion to dismiss (Doc. 33), which was granted in part and denied in part. See Report (Doc. 51); see also Order for June 21, 2010 (Doc. 57). Consequently, the only remaining claims are Plaintiff’s First Amendment retaliation and Free Exercise claims against Defendant Dennison. (Doc. 57) at 2. This case was referred to United States Magistrate Judge Cathy Bissoon 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 Magistrates.

On May 19, 2011, the magistrate judge issued a report and recommendation (Doc. 83), recommending that the motion for summary judgment (Doc. 72) filed by Defendant Dennison be denied. The parties were allowed until June 2, 2011, to file objections. As of the date of this

writing 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 22<sup>nd</sup> day of June, 2011,

IT IS HEREBY ORDERED that the motion to for summary judgment (Doc. 72) filed by Defendant Dennison is DENIED.

IT IS FURTHER ORDERED that the report and recommendation of Magistrate Judge Bissoon (Doc. 83) is adopted as the opinion of this Court with respect to this motion.

BY THE COURT:

s/ Donetta W. Ambrose  
DONETTA W. AMBROSE  
SENIOR UNITED STATES DISTRICT JUDGE

cc:  
**ERNEST PORTER**  
AY-7434  
SCI Greene  
175 Progress Drive  
Waynesburg, PA 15370