

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

| | | |
|---------------------------------------|---|---------------------------|
| TIMOTHY DOCKERY, |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Civil Action No. 09-732 |
| |) | |
| |) | Judge Terrence F. McVerry |
| CAPTAIN LEGGET; CAPTAIN RISKUS; |) | |
| LIEUTENANT LESURE; SERGEANT |) | |
| BERTO; SERGEANT BITTNER; |) | |
| JOHNSON, Correctional Officer; |) | |
| GRIFFIN, Correctional Officer; |) | |
| COLLINS, Correctional Officer; DOBIS, |) | |
| Correctional Officer; RICKET, |) | |
| Correctional Officer; JENNINGS, |) | |
| Correctional Officer; ANKRON, |) | |
| Correctional Officer; VOJACEK, |) | |
| Correctional Officer; CHRIS MYERS, |) | |
| Physician Assistant; NURSE TONY; |) | |
| D.P. BURNS, former Deputy |) | |
| Superintendent; POPOVICH, Unit |) | |
| Manager; BUSH, Sergeant, |) | |
| Defendants. |) | |

ORDER

The above-captioned pro se prisoner civil rights action was received by the Clerk of Court on June 9, 2009, and was referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed a report, recommending the grant of the Defendants' Motion for Summary Judgment [ECF No. 152] and the denial of Plaintiff's Motions for Summary Judgment [ECF No. 147, 164]. [ECF No. 167]. The Plaintiff was informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and the local rules, he had a

specific period of time in which to file his objection. Plaintiff filed his objections, consisting of 34 single-spaced handwritten pages. [ECF No. 168].

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 6th day July, 2012, IT IS HEREBY ORDERED that the Motion for Summary Judgment filed by Defendants Leggett, Riskus, Lesure, Berto, Bittner, Ankron, Collins, Dobis, Griffen, Jennings, Johnson, Ricketts, Vojacek, Tony, Burns, Bush and Popovich [ECF No. 152] is GRANTED. The Report and Recommendation of Magistrate Judge Kelly [ECF No. 168], dated May 22, 2012, is adopted as the opinion of the Court.

s/Terrence F. McVerry
United States District Judge

Dated: July 12, 2012

cc: Honorable Maureen P. Kelly
United States Magistrate Judge

All Counsel of Record by electronic filing

Timothy Dockery
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