

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

ISAAC MITCHELL,	)	
	)	Civil Action No. 09 – 972
Plaintiff,	)	
	)	District Judge Terrence F. McVerry
v.	)	Chief Magistrate Judge Lisa Pupo Lenihan
	)	
JEFFREY BEARD, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

This suit commenced with the receipt of Plaintiff’s civil rights complaint and a motion to proceed *in forma pauperis* filed in the Middle District of Pennsylvania on July 20, 2009. (ECF Nos. 1, 2.) Plaintiff’s motion was granted and this case was subsequently transferred to this Court on July 24, 2009. (ECF Nos. 7, 8.) The case was referred to Magistrate Judge Lisa Pupo Lenihan for all pretrial proceedings in accordance with the Magistrate Judge’s Act, 28 U.S.C. § 636(b)(1), and Local Rules of Court for Magistrate Judges.

The Medical Defendants in this case filed a Motion to Dismiss on December 11, 2009 (ECF No. 17) and the Pennsylvania Department of Corrections Defendants filed a Partial Motion to Dismiss on January 12, 2010 (ECF No. 40). By Order dated July 27, 2010, the motions were granted leaving only claims against DOC Defendants Black and Shira. (ECF No. 66.) Following discovery, Defendants Black and Shira filed a Motion for Summary Judgment on July 7, 2011. (ECF No. 90.)

On February 14, 2012, the Magistrate Judge entered a Report and Recommendation recommending that Defendants’ motion be granted. (ECF No. 106.) Plaintiff was served with the Report and Recommendation at his listed address and advised that he had until March 2, 2012, to file written

objections. Plaintiff filed Objections to the Report and Recommendation on March 2, 2012. (ECF No. 108.) Plaintiff's Objections do not undermine the recommendation of the Magistrate Judge.

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 5th day of March, 2012,

**IT IS HEREBY ORDERED** that the Motion for Summary Judgment filed by Defendants Black and Shira (ECF No. 90) is **GRANTED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation dated February 14, 2012 (ECF No. 106) is **ADOPTED** as the opinion of the Court.

**IT IS FURTHER ORDERED** that the Clerk of the Court mark this case **CLOSED**.

**AND IT IS FURTHER ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

s/Terrence F. McVerry  
United States District Judge

cc: Isaac Mitchell  
EG – 7580  
185 Progress Drive  
SCI Greene  
Waynesburg, PA 15370

Counsel of Record