

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

JAMES S. THOMPSON,)	
)	
Plaintiff,)	
)	Civil Action No. 09 - 1432
v.)	
)	Judge Fischer
OFFICER WILLIAMS, Probation Officer,)	Chief Magistrate Judge Lenihan
JESSICA WELCH, Probation Officer,)	
FAYETTE COUNTY ADULT PROBATION)	ECF Nos. 32 & 39
OFFICE and FAYETTE COUNTY,)	
)	
Defendants.)	
)	

MEMORANDUM ORDER

Plaintiff delivered his Complaint to the clerk of courts on October 27, 2009, and was referred to Chief United States Magistrate Judge Lisa Pupo Lenihan 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 of Court.


The Magistrate Judge's Report and Recommendation (ECF No. 42) filed on May 3, 2013, recommended that the Motion to Dismiss for Failure to State a Claim (ECF Nos. 32 & 39) be granted except as it related to the claim of punitive damages against the individual Defendants Officer Williams and Jessica Welch in their personal capacities. Service was made on all counsel of record. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Local Rule of Court 72.D.2, the parties had fourteen (14) days from the date of service to file objections to the Report and Recommendation. Defendants filed Objections (ECF No. 43) on May 17, 2013. Plaintiff filed no objections.

After review of the pleadings, documents in the case and the Objections, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 5th day of June, 2013, it is hereby **ORDERED** that the Motion to Dismiss (ECF Nos. 32 & 39) is **GRANTED** except as it relates to the claim of punitive damages against the individual Defendants Officer Williams and Jessica Welch in their personal capacities.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 42) of Chief Magistrate Judge Lenihan, dated May 3, 2013, is adopted as the Opinion of the Court.

BY THE COURT


NORA EARRY FISCHER
United States District Judge

cc: All counsel of record
Via Electronic Mail

James S. Thompson
JS-4542
S.C.I. Dallas
1000 Follies Road
Dallas, PA 18612