

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

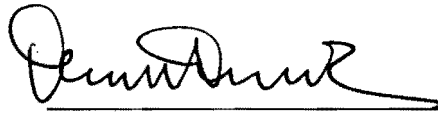
WILLIAM R. RODRIGUEZ,)
Plaintiff,)
vs.) Civil Action No. 11-1640
Magistrate Judge Maureen P. Kelly
EARL E. BLAKER, Nurse Individual)
Capacities; JEFFERY BEARD,)
Director/commissioner of the State of)
Pennsylvania; L. FOLINO, Superintendent)
of S.C.I. Greene, Each defendant is sued)
individually and in his official capacity,)
Defendants.)

ORDER

AND NOW, this 7th day of March, 2012, after the Plaintiff filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until February 13, 2012, to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that pursuant to the provisions of the Prison Litigation Reform Act, the Complaint is dismissed before service for failure to state a claim upon which relief can be granted. The Complaint is dismissed with prejudice as to all official capacity claims, and as against Defendants Jeffrey Beard and Louis Folino in their individual capacities but are dismissed without prejudice as to Defendant Earl Blaker in his individual capacity.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.



MARK R. HORNAK
United States District Judge

cc: Honorable Maureen P. Kelly
United States Magistrate Judge

William R. Rodriguez
JH-2538
SCI Greene
175 Progress Drive
Waynesburg, Pa 15370