

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

SHANE LEE SHEPLER,	)	
	)	
Plaintiff,	)	Civil Action No. 13-521
	)	
v.	)	Judge Cathy Bissoon
	)	Magistrate Judge Cynthia Reed Eddy
WARDEN THOMAS ELBEL,	)	
	)	
Defendant.	)	

**MEMORANDUM ORDER**

This case was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On December 30, 2013, the Magistrate Judge issued a Report (Doc. 37) recommending that Defendants' Partial Motion to Dismiss be granted. The Court adopted the Report and Recommendation. (Doc. 42). At that time, the claim against Defendant Jefferson County Board Member was dismissed with prejudice,<sup>1</sup> and Plaintiff was granted leave to amend his Complaint with respect to three specific claims against Warden Thomas Elbel.

On January 20, 2015, the Magistrate Judge issued a Report (Doc. 77) recommending that Defendant Warden Elbel's Motion for Summary Judgment (Doc 65) as to the Amended Complaint against Warden Elbel be granted in its entirety. Service of the Report and Recommendation was made on Plaintiff, and no objections have been filed.

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<sup>1</sup> The Court notes that Plaintiff's Amended Complaint again names Defendant Jefferson County Board Member, although the claim against that Defendant was previously dismissed with prejudice and leave to amend with respect to that party was not granted. (Doc. 47).

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

Defendant's Motion for Summary Judgment (**Doc. 65**) is **GRANTED**. The Magistrate Judge's Report and Recommendation dated January 20, 2015, hereby is adopted as the Opinion of the District Court.

IT IS SO ORDERED.

February 9, 2015

s/Cathy Bissoon  
Cathy Bissoon  
United States District Judge

cc (via ECF email notification):

All counsel of record

cc (via First-Class U.S. Mail):

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