

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

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|-------------------------|---|------------------|
| DONNA M. HILL |) | |
| |) | |
| Plaintiff, |) | |
| |) | C.A. No. 13-1604 |
| |) | |
| v. |) | |
| |) | |
| JAMES BARNACLE, et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM ORDER

Plaintiff Donna M. Hill filed this pro se civil rights action against Defendants James Barnacle, Steven Glunt, David Close, Kenneth R. Hollibaugh, Captain Brumbaugh, and Heather Moore on November 7, 2013, (Docket No. 1), and the case was assigned to United States Magistrate Judge Robert C. Mitchell in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Rule of Civil Procedure 72.G. On May 24, 2017, Magistrate Judge Mitchell issued a report and recommendation, (Docket No. [103]), wherein he recommended that Defendants’ pending Motion for Summary Judgment, (Docket No. [68]), be granted. Service was made by ECF, and a copy of the report and recommendation and notice of electronic filing was sent to Plaintiff at her address of record on May 24, 2017. Objections to the report and recommendation for ECF users were due by June 7, 2017, and objections to the report and recommendation for unregistered ECF users were due by June 12, 2017. No objections were

filed. On June 14, 2017, after conducting a de novo review of this matter, the Court adopted the report and recommendation, granting Defendants' Motion for Summary Judgment and ordering that judgment be entered in favor of Defendants and against Plaintiff. (*See* Docket Nos. [105], [106], [107]). Later that day, the Clerk of Court received Plaintiff's Objections to the Report and Recommendation, (Docket No. [108]), which were postmarked on June 12, 2017. Because the Court has previously adopted the report and recommendation, it will construe Plaintiff's Objections as a Motion for Reconsideration.

Having conducted a de novo review of Plaintiff's brief and attached exhibits, (Docket No. [108]), Plaintiff's Motion for Reconsideration is DENIED, as she has not demonstrated that the Court must "correct manifest errors of law or fact or to present newly discovered evidence." *Max's Seafood Café v. Quinteros*, 176 F.3d 669, 677 (3d Cir. 1999) (quoting *Harsco Corp. v. Zlotnicki*, 779 F.2d 906, 909 (3d Cir. 1985)). Plaintiff asserts that she received an incomplete copy of the report and recommendation, "which was only (24) twenty-four pages and ended mid sentence." (Docket No. 108 at 5). Although the Court is unable to verify whether Plaintiff's statement is accurate, the report and recommendation was only twenty-six pages. (Docket No. [103]). Page twenty-five included Magistrate Judge Mitchell's conclusion that Plaintiff had failed to show any personal involvement on the part of Defendants Barnacle, Hollibaugh, and Moore, and page twenty-six included Magistrate Judge Mitchell's signature. (*Id.* at 25-26). Thus, to the extent that Plaintiff is contending that she has been prejudiced because she received an incomplete copy of the report and recommendation, the Court finds that her argument is without merit.

Plaintiff's remaining objections relate to issues that have previously been addressed, such

as her assertions that Magistrate Judge Mitchell repeatedly made credibility assessments in Defendants' favor, coached Defendants, and minimized her discovery concerns, (see Docket Nos. [64], [97]), or fail to establish that there has been an intervening change in the controlling law, that new evidence is available, or that there is a need to correct a clear error of law or fact or prevent a manifest injustice. *See Max's Seafood Café*, 176 F.3d at 677 (“A court may grant a motion for reconsideration if the moving party shows: (1) an intervening change in the controlling law; (2) the availability of new evidence which was not available when the court issued its order; or (3) the need to correct a clear error of law or fact or to prevent a manifest injustice.”).

Accordingly, for the foregoing reasons, the following order is entered:

AND NOW, this 15th day of June, 2017,

IT IS HEREBY ORDERED that Plaintiff's Objections to the Report and Recommendation, (Docket No. [108]), which the Court has construed as a Motion for Reconsideration, is DENIED.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

s/Nora Barry Fischer
Nora Barry Fischer
United States District Judge

cc/ecf: Robert C. Mitchell
U.S. Magistrate Judge

All counsel of record

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