

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

|  |   |   |
|--|---|---|
| ROBERT SWOPE,                                | ) |   |
|  | ) | 2:14cv939                               |
| Plaintiff,                                   | ) | Electronic Filing                       |
|  | ) |   |
| vs.  | ) | Judge David Stewart Cercone/            |
|  | ) | Chief Magistrate Judge Maureen P. Kelly |
| CITY OF PITTSBURGH; DETECTIVE                | ) |   |
| JOHN JOHNSON <i>in his individual and</i>    | ) |   |
| <i>Official capacity</i> ; DETECTIVE LEONARD | ) |   |
| DUNCAN <i>in his individual and official</i> | ) | Re: ECF No. 7                           |
| <i>Capacity,</i>                             | ) |   |
| Defendants.                                  | ) |   |

**MEMORANDUM ORDER**

AND NOW, this <sup>4</sup><sub>4</sub> day of January, 2015, after Plaintiff Robert Swope, filed an action in the above-captioned case, and after a Motion to Dismiss was submitted on behalf of Defendants, and after a Report and Recommendation was filed by the United States Magistrate Judge and Plaintiff was given until January 14, 2015, to file written objections thereto, and upon consideration of the objections filed by Plaintiff, ECF No. 18, and the response to those objections filed by Defendants, ECF No. 21, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, ECF No. 17, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Defendants' Motion to Dismiss, ECF No. 7, is GRANTED.

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.



---

David Stewart Cercone  
United States District Judge

cc: Honorable Maureen P. Kelly  
United States Magistrate Judge

Robert Swope  
437 Arlington Avenue  
Pittsburgh, PA 15203  
(Via First Class Mail)

Michael E. Kennedy, Esquire  
Lourdes Sanchez Ridge, Esquire  
Matthew S. McHale, Esquire  
Bryan Campbell, Esquire  
Allison N. Genard, Esquire  
(Via CM/ECF Electronic Mail)