

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

DWAYNE L. RIECO,

Plaintiff,

15cv0657

ELECTRONICALLY FILED

v.

PAUL AURANDT *SRTU, Unit Manager, C/O*
CLEM, and CO II ROBERSON,

Defendants.

MEMORANDUM ORDER OF COURT

AND NOW, this 24th day of August, 2016, the Court acknowledges that Plaintiff filed a Response (doc. no. 109), a Declaration (doc. no. 110), and a Concise Statement of Material Facts (doc. no. 111), all in Opposition to Defendants' Motion for Summary Judgment. See doc. no. 85. As noted in the Court's Opinion and Order partially granting and partially denying Defendants' Motion for Summary Judgment (see doc. nos. 107, 108), Plaintiff failed to timely file his responsive documents.

However, the Court has carefully reviewed each of Plaintiff's submissions, filed out of time, and finds that they do not alter the Court's decision with respect to Defendants' Motion for Summary Judgment. Again, this Court notes – as it has in many of its previous Orders and Opinions – that this Plaintiff is atypical in that he has extensive experience in filing (*pro se*) cases, motions, and responses to motions in this Court. See, *i.e.*, fn. 1 in doc. no. 170; fn. 1 and fn. 3 in doc. no. 67. Accordingly, the substance of the documents filed by Plaintiff does not alter this Court's Opinion or Order on Defendant's Motion for Summary Judgment. Simply

put, the Court's Opinion and Order with respect to Defendants' Motion for Summary Judgment remains unchanged.

However, upon review of the materials submitted by Plaintiff, the Court noted that throughout his submissions, Plaintiff was attempting to raise additional issues beyond the scope of the claims that are to be tried in this Court, starting on October 11, 2016. Thus, the Court is issuing this Memorandum Order to again, reiterate that the only claims which are to be tried during the upcoming October 11, 2016 trial are as follows:

- (1) Whether Defendant Aurandt failed to protect Plaintiff on October 16, 2014; and
- (2) Whether Defendant Clem used excessive force on Plaintiff on October 16, 2014.

No other claims or issues concerning either Defendant will be entertained.

SO ORDERED,

s/ Arthur J. Schwab

Arthur J. Schwab
United States District Judge

cc: ECF registered counsel of record

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