

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

KIM CHERRY,	)	2:15cv1457
	)	Electronic Mail
Plaintiff,	)	
	)	Judge David Stewart Cercone
v.	)	
	)	Magistrate Judge Cynthia Reed Eddy
SPECIAL EDUCATION,	)	
	)	
Defendant.	)	

**MEMORANDUM ORDER**

The present action was initiated in this Court on November 6, 2015. The case was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with Magistrate Judges Act, 28 U.S.C. § 636(b)(1) and Local Rules of Court 72.C and 72.D.

On September 7, 2016, Magistrate Judge Eddy issued a Report and Recommendation (“R&R”), [ECF No. 33], recommending that that Defendant’s Motion for Summary Judgment, which was construed as a Motion to Dismiss on Mootness Grounds under Rule 12(b)(1) of the Federal Rules of Civil Procedure (hereafter “Motion”), [ECF No. 27], be granted and that the Amended Complaint [ECF No. 8] be dismissed without prejudice. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Local Civil Rules of Court, they had until September 26, 2016 to file any objections. To date, no objections have been filed. Accordingly, after a *de novo* review of the pleadings and documents in this case, together with the R&R, the following Order is entered:

**AND NOW**, this 6<sup>th</sup> day of October, 2016, **IT IS HEREBY ORDERED** that Defendant’s Motion (ECF No. 27) is **GRANTED**.

**IT IS FURTHER ORDERED** that the Amended Complaint (ECF No. 8) is **DISMISSED** without prejudice.

**IT IS FURTHER ORDERED** that the R&R [ECF No. 33] is **ADOPTED** as the Opinion of the District Court.

**IT IS FURTHER ORDERED** that the Clerk of Court mark this **CASE CLOSED**.



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David Stewart Cercone  
United States District Judge

cc: Honorable Cynthia Reed Eddy  
United States Magistrate Judge

Kim Cherry  
2209 Arlington Avenue  
Pittsburgh, PA 15120  
(Via First Class Mail)

Rebecca Hall, Esquire  
(Via CM/ECF Electronic Mail)