

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

GREGORY WEEDON,

Plaintiff,

v.

16cv0312

**ELECTRONICALLY FILED**

GODLEWSKI, MARY CANINO, MIKE  
WENEROWICZ, SERGEANT DAMASKY,  
ROBERT GILMORE, MR. MARK DIAL-  
ESANDRO, IRMA VIHILDA, DORINA  
VARNER, C/O GOULD, MR. J. KENNEDY,  
and JIM BYUNAHAK,

Defendants.

**MEMORANDUM ORDER**

This prisoner civil rights action was received by the Clerk of Court on December 19, 2013, and was referred to Chief United States Magistrate Judge Maureen P. Kelly for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. This case was set for trial on August 14, 2017. However, pending before this Court is Defendants' Motion for Summary Judgment.

The Magistrate Judge's report and recommendation, issued on June 15, 2017, recommended that [133] Defendants' Motion for Summary Judgment should be granted as to Count I for failure to exhaust administrative remedies, and that the remaining claims be dismissed without prejudice to Plaintiff's ability to refile them in state court. Objections were due by June 29, 2017 for registered ECF users, and were due by July 3, 2017 for non-registered users. On June 27, 2017, the Court further entered an Order reminding Plaintiff that objection to

the Report and Recommendation were due by July 3, 2017 and no further extensions would be permitted. As of this date, no objections have been filed.

Accordingly, after de novo review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 7<sup>th</sup> Day of July, 2017;

The report and recommendation of Chief Magistrate Judge Kelly, issued June 15, 2017 [133], is AFFIRMED and adopted as the Opinion of this Court;

IT IS HEREBY ORDERED that the Defendants' Motion for Summary Judgment [116] is GRANTED. The Clerk is directed to close this case and therefore cancels the Trial Date and the Pretrial Conference and all other pending deadlines in this case.

s/Arthur J. Schwab  
ARTHUR J. SCHWAB  
United States District Judge

cc: Maureen P. Kelly  
Chief U.S. Magistrate Judge

All parties of record

GREGORY WEEDON  
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