

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

DERRICK GIBSON,	)	
	)	2:16cv0392
Plaintiff,	)	Electronic Filing
	)	
v.	)	Judge David Stewart Cercone
	)	
MARY FLEMMING, Nurse; ROBERT	)	
FLEMMING, Lieutenant; THOMAS	)	
ARMSTRONG, Captain / Hearing	)	
Examiner; SHAUN IREY, Lieutenant;	)	
CARL WALKER, Captain; DARRYL	)	
BEVERIDGE, Corrections Officer 1, and	)	
ROBERT HAWKINBERRY, Captain,	)	
	)	
Defendants.	)	

**ORDER**

**AND NOW**, this 24<sup>th</sup> day of February, 2020, after *de novo* review and in accordance with the Memorandum issued on this date, it is **ORDERED** as follows:

1. Defendants' motion for summary judgment be, and the same hereby is, **GRANTED** in its entirety and summary judgment is entered in favor of all Defendants; and
2. Plaintiff's motion for summary judgment be, and the same hereby is, **DENIED**.

The Report and Recommendation as augmented in the Memorandum is adopted as the opinion of the court. Final Judgment will be entered in favor of defendants and against plaintiff and the Clerk of Court will be directed to mark the case closed.

**AND IT FURTHER IS ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff is hereby notified that he has thirty (30) days to file a notice of

appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

s/David Stewart Cercone  
David Stewart Cercone  
Senior United States District Judge

cc: The Honorable Cynthia Reed Eddy  
Chief United States Magistrate Judge

J. Eric Barchiesi, Esquire  
Timothy Mazzocca, Esquire

*(Via CM/ECF Electronic Mail)*

DERRICK GIBSON  
JP 2190  
SCI Mahanoy  
301 Morea Road  
Frackville, PA 17932

*(via U.S. First Class Mail)*