

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

NORMAN F. HARVEY,)	
)	
Plaintiff,)	Civil Action No. 17-49
)	Judge David Stewart Cercone
v.)	Chief Magistrate Judge Maureen P. Kelly
)	
COMMONWEALTH OF PENNSYLVANIA)	
DEPARTMENT OF CORRECTIONS,)	
WILLIAM SHOUBE, MARK CAPOZZA,)	
TAMMY FERGUSON, MR. STESSNEY,)	
JAMES KELLY, and AMY WOOD,)	
)	
Defendants.)	

ORDER OF COURT

After Plaintiff filed a complaint in the above-captioned matter, Defendants filed Motions to Dismiss at ECF Nos. 27 and 32. Chief United States Magistrate Judge Maureen P. Kelly filed a Report and Recommendation giving the parties until February 20, 2018, to file written objections thereto. Upon consideration of the Objections filed by Plaintiff, independent review of the record, and upon consideration of the Magistrate Judge’s Report and Recommendation, which is ADOPTED as the opinion of this Court,

IT IS HEREBY ORDERED this 7th day of March, 2018, that the Motions to Dismiss are GRANTED. Defendants Commonwealth of Pennsylvania Department of Corrections, Mark Capozza, Tammy Ferguson, Mr. Stessney, James Kelly, and Amy Wood are DISMISSED WITH PREJUDICE. IT IS FURTHER ORDERED that Plaintiff may file an Amended Complaint as to his Eighth Amendment claim against Defendant William Shoupe no later than **March 28, 2018**.

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.

s/ DAVID STEWART CERCONE
David Stewart Cercone
Senior United States District Judge

cc: Honorable Maureen P. Kelly
Chief United States Magistrate Judge

Norman F. Harvey
Inmate #A693054
Trumbull Correctional Institution
P. O. Box 901
5701 Burnett Road
Leavittsburg, OH 44430
(Via First Class Mail)

Michael E. Kennedy, Esquire
Marie Milie Jones, Esquire
Michael R. Lettrich, Esquire
(Via CM/ECF Electronic Mail)