

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

CHRISTOPHER JOSEPH SMARR,)

Plaintiff,)

v.)

2:17cv1637
Electronic Filing

WESTMORELAND COUNTY,)

WEXFORD HEALTH RESOURCES,)

INC., JOHN R. WALTON Warden,)

Westmoreland County Prison, STEVE)

CMAR Deputy Warden of Security,)

Westmoreland County Prison, ERIC)

SCHWARTZ Deputy Warden of)

Treatment, Westmoreland County Prison,)

KARL D. LEDBETTER Lieutenant/Shift)

Supervisor, Westmoreland County Prison,)

NICHOLAS DAVID CARMICHAEL)

Sergeant, Westmorland County Prison,)

JEFFREY MCCREARY Correctional)

Officer, Westmoreland County Prison,)

MARK STANGROM Correctional)

Officer, Westmoreland County Prison,)

JOHNNY STRINGA Correctional Officer,)

Westmoreland County Prison, JEREMY)

LYNN Correctional Officer, Westmoreland)

County Prison, ERIC SCHROCK)

Correctional Officer, Westmoreland County)

Prison, CHRISTOPHER M. WALTZ)

Correctional Officer, Westmoreland County)

Prison, CHAD BLACK Correctional)

Officer, Westmoreland County Prison,)

JOSEPH GRECCO Correctional Officer,)

Westmoreland County Prison, AARON)

VRABLE Correctional Officer,)

Westmoreland County Prison, FRANK A.)

CAPEL Correctional Officer,)

Westmoreland County Prison, ERIC)

BOLAND Correctional Officer,)

Westmoreland County Prison, CYNTHIA)

M. JANOS Licensed Practical Nurse,)

Westmoreland County Prison, ERICA)

LYNN SPORY Certified Nurse Assistant,)

Westmoreland County Prison,)

Defendants.)

MEMORANDUM ORDER

AND NOW, this 8th day of March, 2023, upon due consideration of [82] plaintiff's motion for reconsideration and to reopen the case, [83] the Report and Recommendation of Magistrate Judge Lenihan addressing the motion, and [84] plaintiff's objections to the Report and Recommendation, and after *de novo* review of the record, [82] plaintiff's motion for reconsideration and to reopen the case be, and the same hereby is, DENIED.

Plaintiff's objections fail to address or otherwise undermine in any meaningful way the reasons that plaintiff does not have an acceptable basis at this juncture for proceeding with this case. His objections fail to supply any basis to overcome the Magistrate Judge's assessment that the plaintiff does not meet any of the three grounds for granting a motion for reconsideration. Additionally, Plaintiff has not shown any good reason for his failure to take appropriate action earlier in an effort to comply with the court's orders. The Magistrate Judge's Report and Recommendation of February 16, 2023, as augmented above, is adopted as the opinion of the court.

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

cc: Christopher Joseph Smarr
NH8866
SCI Somerset
1590 Walters Mill Road
Somerset, PA 15510-0001

(Via US. Postal Mail)

The Honorable Lisa Pupo Lenihan
United States Magistrate Judge

Counsel of Record

(Via CM/ECF Electronic Mail)