

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

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|-----------------------------------|---|-------------------------------------|
| WALI IBN AL-ISLAM ABD-ALI, |) | |
| |) | |
| Plaintiff, |) | Civil Action No. 2:19-cv-478 |
| |) | |
| v. |) | |
| |) | |
| TODD FUNK, et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM ORDER

This prisoner civil action was received by the Clerk of Court on April 26, 2019 and was referred to United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges. On May 2, 2019, Plaintiff Wali Ibn Al-Islam Abd-Ali filed a motion for a temporary restraining order and preliminary injunction. ECF No. 4. That same day, Plaintiff's motion for leave to proceed *in forma pauperis* was granted and his complaint was filed. ECF Nos. 2 and 6.

On May 13, 2019, Judge Lanzillo held a telephonic hearing regarding Plaintiff's motion for injunctive relief. ECF Nos. 11 and 15. During the hearing, the Court took testimony from Plaintiff and from Captain Robert Kennedy and heard argument both from Plaintiff and from Defendants' counsel, Yana Warshafsky. *Id.* The following day, Judge Lanzillo issued a written Report and Recommendation ("R&R"), ECF No. [14] in which he opined that Plaintiff's motion for a temporary restraining order and preliminary injunction should be denied as moot. Based on the parties' discussion at the motion hearing and the filings of record, Judge Lanzillo concluded that the parties were in general agreement concerning the Defendants' future course of action

relative to accommodating Plaintiff's food allergies, adhering to the dietary changes to his sahur bag, and verifying his alleged need to consume food with his psychiatric medications. To the extent Plaintiff requested reinstatement of his "finger food" diet, Judge Lanzillo recommended that this request be denied, as Plaintiff had not adduced proof of any such dietary restriction.

On May 31, 2019, Plaintiff filed his objections to the R&R along with various related exhibits. ECF No. 18. The Court has reviewed these documents in their entirety but finds no basis therein for departing from the recommended ruling.

Accordingly, after *de novo* review of the complaint and documents in the case, together with the Magistrate Judge's Report and Recommendation, the following order is entered:

NOW, this 11th day of July, 2019, IT IS HEREBY ORDERED that Plaintiff's motion for a temporary restraining order and preliminary injunction [4], shall be, and hereby is, DENIED. The Report and Recommendation of Magistrate Judge Lanzillo, dated May 14, 2019, ECF No. [14], is adopted as the opinion of this Court.



SUSAN PARADISE BAXTER
United States District Judge

cm: Wali Ibn Al-Islam Abd-Ali
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The Honorable Richard A. Lanzillo (via CM/ECF)