

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

STANLEY LEE HERRING,)
)
Plaintiff,)
vs.) Civil Action No. 20-1559
) Judge Robert J. Colville/
) Magistrate Judge Maureen P. Kelly
FAYETTE COUNTY PRISON, et al.,)
)
Defendants.)

ORDER

AND NOW, this 4th day of October, 2021, after the Plaintiff, Stanley Lee Herring filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until September 21, 2021 and to September 24, 2021 for Unregistered Users, to file written objections thereto, the Court's docket indicating that no objections have been filed, and upon independent de novo review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation (Document No. [50]), which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Partial Motion to Dismiss (Document No. [26]) be granted and that Plaintiff's Fourth Amendment, procedural and substantive due process, equal protection, and ADA claims be dismissed with prejudice.

IT IS FURTHER ORDERED that Plaintiff's claims against Fayette County Prison be dismissed but that Plaintiff be granted thirty days, to October 31, 2021, to file a Second Amended Complaint, should he choose to do so, to assert an institutional liability claim against Fayette County in accordance with *Monell v. New York City Dept. of Soc. Servs.*, 436 U.S. 658, 691 (1978).

IT IS FURTHER ORDERED that Plaintiff's claims for injunctive and declaratory relief as well as his claims for punitive damages against the Fayette County Prison Defendants in their official capacities be dismissed with prejudice.

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/ Robert J. Colville
United States District Judge

cc/ecf: Counsel of Record
Magistrate Judge Maureen P. Kelly

Stanley Lee Herring
NZ-9854
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