

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

KEITH ROSARIO,)	
)	
Plaintiff,)	2:21-cv-208
)	
vs.)	
)	District Judge Robert J. Colville
WESTMORELAND COUNTY, PA;)	Magistrate Judge Maureen P. Kelly
WESTMORELAND COUNTY)	
COMMISSIONER; WESTMORELAND)	Re: ECF No. 14
COUNTY PRISON; WARDEN WALTON;)	
DEPUTY WARDEN LOWTHER; DEPUTY)	
WARDEN SCHWARZ; LIEUTENANT)	
TOMASELLO; LIEUTENANT WOLFF;)	
SERGEANT GILLETTE; SERGEANT)	
BRADLEY; and JOHN DOE 1-6,)	
)	
Defendants.)	

ORDER OF COURT

Before the Court is the Honorable Maureen P. Kelly’s August 11, 2021 Report and Recommendation (ECF No. 15), which recommends that all of Plaintiff’s claims against Defendant Westmoreland County Prison be stricken sua sponte pursuant to Fed. R. Civ. P. 12(f) from Plaintiff’s Amended Complaint (ECF No. 14). Objections to Judge Kelly’s Report and Recommendation were due by August 30, 2021. No objections were filed, and the matter is now ripe for disposition.

With respect to dispositive matters, the reviewing district court must make a de novo determination of those portions of the magistrate judge’s report and recommendation to which objections are made. 28 U.S.C. § 636(b)(1)(B)-(C); Fed. R. Civ. P. 72(b)(3). “The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3). The United States

Court of Appeals for the Third Circuit has explained that, “even absent objections to the report and recommendation, a district court should ‘afford some level of review to dispositive legal issues raised by the report,’” and has “described this level of review as ‘reasoned consideration.’” *Equal Employment Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 100 (3d Cir. 2017) (quoting *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987)).

Upon consideration of Judge Kelly’s August 11, 2021 Report and Recommendation and upon review of the record in this matter, it is hereby ORDERED as follows:

The Court accepts and adopts Judge Kelly’s Report and Recommendation in its entirety as the opinion of the Court. All of Plaintiff’s claims against Defendant Westmoreland County Prison are stricken, pursuant to Fed. R. Civ. P. 12(f), from Plaintiff’s Amended Complaint (ECF No. 14).

BY THE COURT:

s/Robert J. Colville
Robert J. Colville
United States District Judge

DATED: September 8, 2021

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

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