

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

KEVIN PATRICK FLOOD, :
Plaintiff, :
v. : Case No. 3:06-cv-82-KRG-KAP
TROOPER CHARLES SCHAEFER, :
et al., :
Defendants :

Memorandum Order

At docket no. 220, plaintiff Kevin Flood filed an appeal from the order portion of the Order and Report and Recommendation of the Magistrate Judge at docket no. 219 that denied the plaintiff's motion at docket no. 218 styled "Plaintiff's Motion to REQUESTING THE COURT TO PRESERVE AUDIO TAPE EVIDENCE FROM CRIMINAL CASE FOR THIS CIVIL RIGHTS CASE," and objections to the recommendation portion of the Order and Report and Recommendation that recommended denial of the motion at docket no. 216 styled "Objections and Motion for Reconsideration to Memorandum Order dated September 23, 2013 Under Fed.R.Civ.P. 59(e), from Judge Gibson."

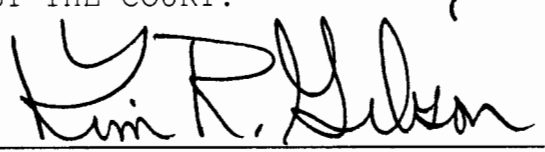
After de novo review of the record, including the Order and Report and Recommendation at docket no. 219 and the timely objections at docket no. 220, I find that the Magistrate Judge's order is neither clearly erroneous nor contrary to law, see Fed.R.Civ.P. 72(a) and 28 U.S.C. § 636(b)(1), and the appeal is denied. There is no need for a motion to preserve the evidence from the criminal trial: evidence filed with the Court remains with

the Court. The motion at docket no. 218 is otherwise repetitive of previous motions.

The motion to reconsider at docket no. 216 is denied as repetitive and meritless.

BY THE COURT:

DATE: February 10, 2015

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive style and is positioned above a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF and by U.S. Mail to:

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