



AND NOW, this 15<sup>th</sup> day of September, 2008;

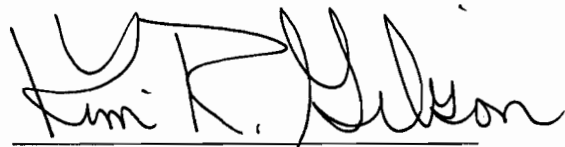
**IT IS HEREBY ORDERED** that Defendants' Motion to Dismiss, or in the alternative, Motion for Summary Judgment (doc. no. 21) is **GRANTED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (doc. no.31) of Magistrate Judge Lenihan dated August 18, 2008, is **ADOPTED** as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Clerk of Court mark this case **CLOSED**.

**AND IT IS FURTHER ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:



Kim R. Gibson  
United States District Judge

cc: Lisa Pupo Lenihan  
United States Magistrate Judge

Hansen Suggs  
GT-1097  
SCI Somerset  
1600 Walters Mill Road  
Somerset, PA 15510