

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

|                              |   |                             |
|------------------------------|---|-----------------------------|
| DEON CRAIG,                  | : |                             |
| Plaintiff                    | : |                             |
| v.                           | : | Case No. 3:08-cv-46-KRG-KAP |
| LT. BOYLAN, S.C.I. SOMERSET, | : |                             |
| <u>et al.</u> ,              | : |                             |
| Defendants                   | : |                             |

Summary Report and Recommendation

Plaintiff has two remaining claims against defendants:

1) that defendants violated his right under the Eighth Amendment not to suffer cruel and unusual punishment, during a strip search on April 2007; and 2) that defendants violated his right under the First Amendment not to suffer retaliation for filing complaints about prison disciplinary proceedings. Defendants filed a motion for summary judgment, docket no. 47, asserting several defenses including the fact-based defenses that there was no evidence plaintiff suffered any injury in connection with his first claim, and that as to his second claim plaintiff had not exhausted his administrative remedies before filing suit. Plaintiff has not responded to the motion or contradicted in any way defendants' version of the facts. Spending time extensively analyzing the plaintiff's claims when plaintiff himself does not do so is a waste of judicial resources. The motion for summary judgment should be granted and the remainder of the plaintiff's claims should be dismissed.

Pursuant to 28 U.S.C. § 636(b)(1), the parties are given notice that they have ten days to serve and file written objections to this Report and Recommendation.

DATE: 23 December 2009

Keith A. Pesto

Keith A. Pesto,  
United States Magistrate Judge

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

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