

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

RICHARD EVANS, :  
Plaintiff :  
v. : Case No. 3:09-cv-17-KRG-KAP  
KENNETH CAMERON, SUPERINTENDENT:  
S.C.I. CRESSON, et al., :  
Defendants :

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on September 28, 2009, docket no. 35, recommending that defendants' motion to dismiss, docket no. 28, be granted in part and that the complaint be dismissed for failure to state a claim against defendants Pirozzola, Jadlocki, Boyles (or Broyles), Cameron, and Myers.

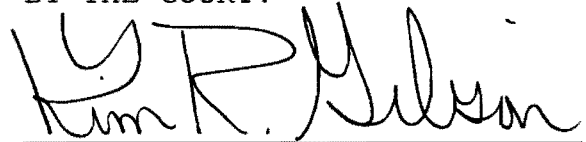
The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. No one has filed objections and the time to do so has expired.

After review of the record together with the Report and Recommendation, and noting the lack of objections thereto, the following order is entered:

AND NOW, this 22<sup>nd</sup> day of October, 2009, it is

ORDERED that defendant's motion to dismiss, docket no. 28, is granted in part and the plaintiff's complaint is dismissed as to defendants Pirozzola, Jadlocki, Boyles (or Broyles), Cameron, and Myers. The Report and Recommendation is adopted as the opinion of the Court.

BY THE COURT:

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

KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

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

Richard Evans BW-1187  
S.C.I. Houtzdale  
P.O. Box 1000  
Houtzdale, PA 16698-1000