

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

JAMES GILLIN, :  
Plaintiff, :  
v. : Case No. 3:11-cv-43-KRG-KAP  
DEPARTMENT OF CORRECTIONS :  
SECRETARY SHIRLEY SMEAL, :  
SUPERINTENDENT BURNS, S.C.I. :  
LAUREL HIGHLANDS, ANNETTE :  
KOWALESKI, JAWAD SALAMEH, M.D., :  
ROBINSON, M.D., DISCONI, M.D., :  
SWANHART, P.A., and LACHENE, :  
R.N., :  
Defendants

MEMORANDUM ORDER

Plaintiff's motion to vacate, docket no. 15, was referred to Magistrate Judge Keith A. Pesto in accordance with 28 U.S.C. § 636(c) and Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on May 20, 2011, docket no. 20, recommending that the motion be denied. The plaintiff was notified, pursuant to 28 U.S.C. § 636(b)(1), that he had fourteen days to serve and file written objections to the Report and Recommendation. The plaintiff filed another motion to vacate on June 7, 2011, docket no. 21, that can be considered as objections or as a new motion to vacate.

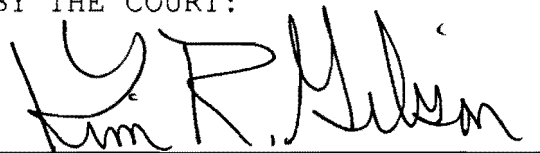
Upon de novo review of the record of this matter and the Report and Recommendation, the following order is entered:

AND NOW, this 27<sup>th</sup> day of October 2011, it is

ORDERED that the motion to vacate, docket no. 15, is denied for the reasons stated in the Report and Recommendation. The second motion to vacate, docket no. 21, is denied because it

fails to state any reason contemplated by Fed.R.Civ.P. 60(b) for vacating the dismissal of the complaint.

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 it.

KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice by U.S. Mail to:

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5706 Glades Pike  
Somerset, PA 15501-0631