

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

PRESTON PIAZZA, :  
Plaintiff, :  
v. : Case No. 3:12-cv-194-KRG-KAP  
COMMONWEALTH OF PENNSYLVANIA, :  
et al., :  
Defendants :

MEMORANDUM ORDER

This matter is before Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1)-(3), and Local Rule 72 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on September 18, 2012, docket no. 13, recommending that defendants' motions to dismiss, docket no. 6, docket no. 10, be granted in part, with leave to amend the complaint.

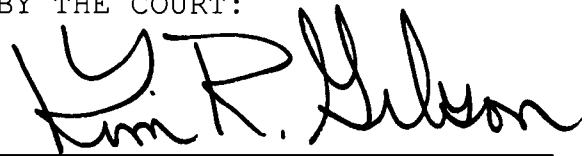
The parties were notified that, pursuant to 28 U.S.C. § 636(b)(1), they had fourteen days to file written objections to the Report and Recommendation. Plaintiff filed timely objections, docket no. 17, that are meritless, and an amended complaint, docket no. 16, that if liberally construed states a colorable claim against defendant Cheryl Kramer.

After de novo review of the record, the Report and Recommendation, and the objections thereto, the following order is entered:

AND NOW, this 16<sup>th</sup> day of October, 2012, it is

ORDERED that defendants' motion to dismiss, docket no. 6 and docket no. 10 are granted as to all defendants and claims except for the Eighth Amendment claim against defendant Cheryl Kramer. No further leave to amend the complaint is granted. The Report and Recommendation is adopted as the Opinion of the Court. The matter remains with the Magistrate Judge for pretrial proceedings.

BY THE COURT:

A handwritten signature in black ink that reads "Kim R. Gibson". The signature is written in a cursive style with a horizontal line underneath the name.

KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

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

Preston Piazza GE-6901  
S.C.I. Somerset  
1600 Walters Mill Road  
Somerset, PA 15510

Cheryl Kramer  
143 Jacks Run Road  
Woodland, PA 16881