

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

JOHN L. LANE, :  
Plaintiff :  
v. : Case No. 3:13-cv-268-KRG-KAP  
GERALD ROZUM, SUPERINTENDENT, :  
S.C.I. SOMERSET, 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 and Local Civil Rule 72.

The Magistrate Judge filed a Report and Recommendation on March 11, 2016, ECF no. 101, recommending that the motion for summary judgment at ECF no. 74 by defendants Gerald Rozum, Daniel Gehlman, Sergeant Stayer, C.O. Keyser, Lieutenant Ryba, Sergeant Brothers, C.O. Walters, Denise Thomas, Renee Snyder, Edward Mulligan, Joseph Bianconi, John LaFramboise, the S.C.I. Somerset, and the Pennsylvania Department of Corrections (the Pennsylvania Department of Corrections defendants), and the motion for summary judgment at ECF no. 78 by defendants Corizon Health, Inc., Dr. Rashida Mahmud, and R.N. Michele Swanhart (the medical defendants) be granted in part and denied in part, and recommending that the motions to dismiss for failure to state a claim at ECF no. 40 by the Pennsylvania Department of Corrections defendants and at ECF no. 38 by the medical defendants be granted in part and denied in part.

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 sought an extension of time to file objections, see ECF no. 103, that was denied, see ECF no. 104, but despite the lack of objections I have reviewed the record and the briefs de novo.

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

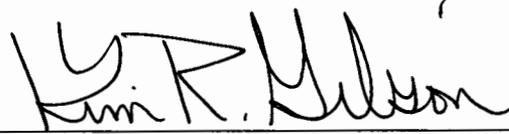
AND NOW, this 28<sup>th</sup> day of March, 2016, it is

ORDERED that the motions for summary judgment at ECF no. 74 and ECF no. 78 and the motions to dismiss for failure to state a claim at ECF no. 38 and ECF no. 40 are granted in part and denied in part as set out in the Report and Recommendation, which is adopted as the opinion of the Court. The remaining claims are against Dr. Mahmud for deliberate indifference and negligence, and against the Pennsylvania Department of Corrections for a defective condition of real estate.

The Clerk can terminate the following as defendants: Gerald Rozum, Daniel Gehlman, Sergeant Stayer, C.O. Keyser, Lieutenant Ryba, Sergeant Brothers, C.O. Walters, Denise Thomas, Renee Snyder, Edward Mulligan, Joseph Bianconi, John LaFramboise, the S.C.I. Somerset, Corizon Health, Inc., and R.N. Michele Swanhart.

The matter remains before the Magistrate Judge for further pretrial proceedings.

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 large, stylized initial "K".

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KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF