

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 has been referred to 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 19, 2019 at ECF no. 175, recommending that the motion at ECF no. 160 for summary judgment by the remaining defendant, Dr. Rashida Mahmud, be granted as to the deliberate indifference claim and denied as to the negligence claim.

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. Each party filed timely objections to the portion of the Report and Recommendation unfavorable to their position, the plaintiff at ECF no. 177, and the defendant at ECF no. 176. Dr. Mahmud filed a reply at ECF no. 178 and ECF no. 179 to plaintiff's objections; plaintiff's response to defendant's objections was contained in the objections at ECF no. 177.

After *de novo* review of the record of this matter, the Report and Recommendation, the objections to the Report and Recommendation, and the responses thereto, the following order is entered:

AND NOW, this 3<sup>rd</sup> day of May, 2019, it is

ORDERED that summary judgment is granted in part to defendant Dr. Mahmud as recommended in the Report and Recommendation at ECF no. 175, which is adopted as the opinion of the Court. The matter remains with the Magistrate Judge for further proceedings, and the Magistrate Judge shall set a date for the filing of pretrial statements and (if the parties desire it) shall hold a pretrial mediation conference.

BY THE COURT:



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KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF