

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

SHANNON MAYO, ) CIVIL ACTION NO. 3:18-cv-125  
)  
) JUDGE KIM R. GIBSON  
Plaintiff, )  
)  
v. )  
)  
TIMOTHY LITTLE, *et al.*, )  
)  
)  
Defendants. )

MEMORANDUM ORDER

This matter was 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.

**I. Background**

On July 13, 2018, Plaintiff Shannon Mayo (“Mayo”) filed a Complaint alleging that (1) on March 27, 2017, Corrections Officer Barbour used excessive force against him, (2) Defendants Link, Havens and Little were deliberately indifferent to the prospect that Mayo would be attacked by his cellmate on May 19, 2016, and (3) in June 2016, Defendant Little was deliberately indifferent to the prospect of injury to Mayo from environmental tobacco smoke (“ETS”). (ECF No. 4).

On September 30, 2020, Defendants filed a Motion for Summary Judgment. (ECF No. 70). On October 21, 2020, Mayo filed a response in opposition to Defendants’ Motion for Summary Judgment. (ECF No. 76). On February 10, 2022, Judge Pesto filed a Report and

Recommendation recommending that Defendants' motion for summary judgment be granted and the case ended. (*Id.* at 1).

Judge Pesto notified the parties that, pursuant to 28 U.S.C. § 636(b)(1), they had fourteen days to file written objections to the Report and Recommendation. (*Id.* at 7). On February 24, 2022, Mayo filed a motion for extension of time to file objections to the Report and Recommendation. (ECF No. 84). Judge Pesto granted Mayo's motion and notified Mayo that he was required to file objections to the Report and Recommendation on or before March 12, 2022. (ECF No. 85). Mayo subsequently filed objections on March 17, 2022. (ECF No. 86). Defendants responded to Mayo's objections on March 25, 2022. (ECF No. 87).

After *de novo* review of the record, the Report and Recommendation, the objections filed thereto, and the Defendants' response to Mayo's objections to the Report and Recommendation, the Court finds that Mayo's objections are without merit.

The following order is entered:

AND NOW, this 31<sup>st</sup> day of March, 2022, it is **ORDERED** that the Report and Recommendation is adopted as the opinion of the Court.

**IT IS FURTHER ORDERED** that Defendants' Motion for Summary Judgment (ECF No. 70) is **GRANTED**.

**BY THE COURT:**



**KIM R. GIBSON**

**UNITED STATES DISTRICT JUDGE**

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

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