

**U.S. District Court
Western District of Pennsylvania (Johnstown)
CIVIL DOCKET FOR CASE #: 3:01-cv-00259-DBS-KAP**

MURTHA v. ROSEMEYER, et al
Assigned to: Judge D. Brooks Smith
Referred to: Mag. Judge Keith A. Pesto
Demand: \$0
Cause: 42:1983pr Prisoner Civil Rights

Date Filed: 08/07/2001
Date Terminated: 11/09/2001
Jury Demand: None
Nature of Suit: 555 Prisoner Civil
Rights (Prison Condition)
Jurisdiction: Federal Question

Plaintiff

KEVIN A. MURTHA

represented by **KEVIN A. MURTHA**
DL-6039
SCI Laurel Highland
5706 Glades Pike
P.O. Box 631
Somerset, PA 15501-0631
PRO SE

V.

Defendant

FREDRIC A. ROSEMEYER
SUPERINTENDENT

Defendant

JAMES C. HENDERSON
DEPUTY SUPERINTENDENT

Defendant

TREVOR WINGARD
UNIT MANAGER

Defendant

MIKE COOK
COUNSELOR

| Date Filed | # | Docket Text |
|-------------------|----------|--|
| 08/07/2001 | | Complaint with motion to proceed in forma pauperis received. (plp) (Entered: 08/07/2001) |
| 08/07/2001 | | CASE REFERRED to Mag. Judge Keith A. Pesto (plp) (Entered: 08/07/2001) |
| 08/07/2001 | 1 | MOTION by KEVIN A. MURTHA to Proceed in Forma Pauperis (plp) (Entered: 08/07/2001) |
| 08/13/2001 | 2 | ORDER granting [1-1] motion to Proceed in Forma Pauperis. If the plaintiff desires to pursue this action, within 10 days the plaintiff is to complete the attached form authorizing the appropriate withdrawals from his inmate account. The agency having custody of the plaintiff shall forward the payments to the Clerk of Court and as more fully stated in said order. (signed by Mag. Judge Keith A. Pesto on 08/13/01) CM all parties of record. (plp) (Entered: 08/13/2001) |
| 08/13/2001 | 3 | COMPLAINT. (plp) (Entered: 08/13/2001) |
| 08/22/2001 | 4 | AUTHORIZATION by KEVIN A. MURTHA permitting withdraw of prison account funds to pay filing fee. (plp) (Entered: 08/24/2001) |
| 10/05/2001 | 5 | MOTION by KEVIN A. MURTHA for Appointment of Counsel (plp) (Entered: 10/05/2001) |
| 10/29/2001 | 6 | REPORT AND RECOMMENDATION of Mag. Judge Keith A. Pesto signed on 10/29/01 Recommending that [3-1] complaint be dismissed for failure to state a claim; The parties have 10 days from the date of service to file objections to this Report and Recommendation. (plp) (Entered: 10/29/2001) |
| 11/05/2001 | 7 | OBJECTION by KEVIN A. MURTHA to [6-1] report and recommendations (plp) (Entered: 11/05/2001) |
| 11/09/2001 | 8 | ORDER dismissing [3-1] complaint for failure to state a claim. Clerk shall mark case closed , adopted [6-1] report and recommendations except for footnote 1 (signed by Judge D. B. Smith on 11/08/01) CM all parties of record. (plp) (Entered: 11/09/2001) |
| 11/09/2001 | | Case closed. (plp) (Entered: 11/09/2001) |