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

BAHIYUDEEN HAKEEM,	:	
Plaintiff,	:	No. 4: CV-10-01627
v.	:	(Conaboy, J.)
JON FISHER, et al.,	:	(Magistrate Judge Carlson)
Defendants.	:	

FILED
SCRANTON
DEC 29 2010
PER _____ DEPUTY CLERK

ORDER

December 29, 2010

I. BACKGROUND

On August 5, 2010, pro se plaintiff Bahiyudeen Hakeem, currently an inmate at the State Correctional Institution at Smithfield ("SCI-Smithfield"), located in Huntingdon, Pennsylvania, filed a civil rights action under 42 U.S.C. § 1983. (Rec. Doc. No. 1). On September 20, 2010, Hakeem filed an amended complaint. (Rec. Doc. No. 18). In his complaint, Hakeem alleges violations of his Eighth Amendment right to adequate medical care based upon treatment, or lack thereof, stemming from several medical conditions. The named defendants include SCI-Smithfield Superintendent Fisher, Dr. Ronald Long, Dr. Doll, P.A. Josh, SCI-Smithfield Health Care Coordinator William Dreibelbis, Nurse Supervisor Julie Cowher, Nurse Supervisor Gerald Hartman, Nurse Shannon

Parks, and two Nurse Jane Does. The matter initially was assigned to United States Magistrate Judge Martin C. Carlson.

II. PROCEDURAL HISTORY

In addition to his complaint, on August 5, 2010, the plaintiff also filed a motion for a preliminary injunction. (Rec. Doc. No. 4). On August 18, 2010, the plaintiff filed a brief in support of his motion for a preliminary injunction. (Rec. Doc. No. 13). On October 6, 2010, after Magistrate Judge Carlson granted their motion seeking an extension of time, the defendants filed an opposing brief. (Rec. Doc. Nos. 25-27). The plaintiff chose not to file a reply brief.

On October 25, 2010, the magistrate judge issued a twenty-five page report and recommendation. (Rec. Doc. No. 34). After an extensive and thorough discussion, the magistrate judge recommended that the plaintiff's motion for a preliminary injunction be denied. (Id. at 18). As support, the magistrate judge concluded that, inter alia, Hakeem had failed to show a likelihood of success on the merits or irreparable harm. (Id. at 6-17). Hakeem filed no objections to the magistrate judge's report and recommendation. On November 19, 2010, United States District Judge James F. McClure, Jr., issued an order in which he adopted Magistrate Judge Carlson's report and recommendation and denied Hakeem's

motion for preliminary injunction. (Rec. Doc. No. 36).[1]

On November 19, 2010, Magistrate Judge Carlson issued a report and recommendation in which he recommended that Hakeem's stipulation of dismissal (Rec. Doc. No. 35 at 5) and the unopposed motion to dismiss in favor of defendants Fisher, Hartman, Cowher, and Parks (Rec. Doc. Nos. 31, 32) be granted. (Rec. Doc. No. 37). Although objections were due by December 6, 2010, Hakeem filed no objections to the magistrate judge's report and recommendation.

On December 1, 2010, the magistrate judge issued a final report and recommendation in which he recommended that this court grant the defendants' motions to dismiss (Rec. Doc. Nos. 29, 32) and dismiss from the action defendants Gillman and Tyson. (Rec. Doc. No. 38). As a basis for this decision, Magistrate Judge Carlson reasoned that the amended complaint as filed by Hakeem failed to state, as to defendants Gillman and Tyson, who had yet to be served, a claim upon which relief could be granted. (Id.). Although objections to this report and recommendation were due no later than December 20, 2010, Hakeem has failed to file any objections.

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[1] Upon the passing of our esteemed colleague on December 17, 2010, the instant matter was reassigned to the undersigned judge.

III. DISCUSSION

As noted above, Hakeem has not filed any objections to the magistrate judge's reports and recommendations dated November 19 and December 1, 2010. (Rec. Doc. Nos. 37, 38). The time for doing so has since passed. Because Hakeem has elected not to object to the reports and recommendations and because we agree with Magistrate Judge Carlson's thorough analysis and recommendations, we will adopt the reports and recommendations in full. Therefore, we will adopt the magistrate judge's recommendation of November 19, 2010, and grant Hakeem's stipulation of dismissal (Rec. Doc. No. 35 at 5) and the motion to dismiss as to defendants Fisher, Hartman, Cowher, and Parks (Rec. Doc. Nos. 31, 32), which was unopposed. (Rec. Doc. No. 37 at 4). In addition, we will adopt the magistrate judge's recommendation dated December 1, 2010, in which he recommends that this court grant the defendants' motions to dismiss (Rec. Doc. Nos. 29, 32) and dismiss from the action defendants Gillman and Tyson. (Rec. Doc. No. 38 at 32).

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. United States Magistrate Judge Carlson's Reports and Recommendations dated November 19 and December 1, 2010, are

ADOPTED IN FULL. (Rec. Doc. Nos. 37, 38).

2. Hakeem's stipulation of dismissal (Rec. Doc. No. 35 at 5) and the unopposed motion to dismiss (Rec. Doc. Nos. 31 and 32), as to defendants Fisher, Hartman, Cowher, and Parks, are **GRANTED**.

3. The defendants' motions to dismiss are **GRANTED**. (Rec. Doc. Nos. 29, 32).

4. Defendants Gillman and Tyson, who have not presently been served, are also dismissed from the instant action.

5. The clerk is directed to close the case file.

s/ Richard P. Conaboy
Richard P. Conaboy
United States District Judge

Dated: December 29, 2010