

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

INMATES OF THE	:	4:08-cv-345
NORTHUMBERLAND COUNTY	:	
PRISON, through SCOTT COLLINS,	:	Hon. John E. Jones III
<i>et al.</i> ,	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
RALPH M. REISH, <i>in his official capacity</i>	:	
<i>as</i> Warden of Northumberland County	:	
Prison, <i>et al.</i> ,	:	
Defendants.	:	

ORDER

February 28, 2011

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS

On February 25, 2011, Magistrate Judge J. Andrew Smyser issued a Report and Recommendation (“R&R”) recommending that the pending Motion for Summary Judgment (Doc. 134) be deemed withdrawn since the parties have entered into a proposed settlement agreement.¹ We agree with the Magistrate Judge that the pending Motion for Summary Judgment should be deemed withdrawn, and that this withdrawal is without prejudice to the Motion being

¹ A fairness hearing to address any objections to the settlement agreement has been scheduled for April 28, 2011.

reinstated if the settlement is not approved by the Court.²

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation (Doc. 160) of Magistrate Judge Smyser is **ADOPTED** in its entirety.
2. The Motion for Summary Judgment (Doc. 134) is **DEEMED WITHDRAWN**, without prejudice to the Motion being re-filed in the event the parties' proposed settlement agreement is not approved by the Court.

s/ John E. Jones III
John E. Jones III
United States District Judge

² We recognize that the objection period to the R&R has not expired, however we can divine no circumstance under which the parties would object to the recommendation of the Magistrate Judge in view of the posture of the case.