

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

|                               |   |                                     |
|-------------------------------|---|-------------------------------------|
| <b>JOHN J. ROBBINS,</b>       | : | <b>CIVIL ACTION NO. 1:13-CV-705</b> |
| <b>Plaintiff</b>              | : |                                     |
|                               | : |                                     |
|                               | : | <b>(Judge Conner)</b>               |
| <b>v.</b>                     | : |                                     |
|                               | : |                                     |
| <b>JEFFREY SMITH, et al.,</b> | : |                                     |
| <b>Defendants</b>             | : |                                     |

**ORDER**

AND NOW, this 7th day of June, 2013, upon consideration of the Report and Recommendation of United States Magistrate Judge Susan E. Schwab (Doc. 9), recommending that the plaintiff's complaint (Doc. 1) be dismissed and that plaintiff's application to proceed *in forma pauperis* (Doc. 6) be vacated, and, following an independent review of the record, and noting that defendant filed objections<sup>1</sup> to the report (Doc. 10) on May 28, 2013, 2013, and the court finding Judge Schwab's analysis to be thorough and well-reasoned, and the court finding the objections to be without merit and squarely addressed by Judge Schwab's report (Doc. 9), it is hereby ORDERED that:

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<sup>1</sup> Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at \*3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). “In this regard, Local Rule of Court 72.3 requires ‘written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.’” Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at \*6 (M.D. Pa. Sept. 8, 2008)).

1. The Report and Recommendation of Magistrate Judge Schwab (Doc. 9) are ADOPTED.
2. Plaintiff's complaint (Doc. 1) is DISMISSED for failure to state a claim.
3. Plaintiff's application to proceed *in forma pauperis* (Doc. 6) is VACATED and all filing fees shall be returned to plaintiff.
4. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge