

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

**DARRELL PARKS,**

**Plaintiff**

v.

**CHARLES E. SAMUELS, Jr., et al.**

**Defendants**

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**Civil No. 1:13-cv-0742**

**Judge Sylvia H. Rambo**

**Magistrate Judge Carlson**

**ORDER**

Before the court is an August 17, 2015 report and recommendation of the magistrate judge (Doc. 47) to whom this matter was referred, in which he recommends that the court grant Defendant's motion to dismiss, or in the alternative, for summary judgment (Doc. 30) and close the case. Objections to the report and recommendation were due no later than September 3, 2015, and, to date, no objections have been filed.

Therefore, upon consideration of the record before the court and the applicable law, **IT IS HEREBY ORDERED THAT:**

- 1) The court adopts the report and recommendation of Magistrate Judge Carlson (Doc. 47);
- 2) Defendant's motion to dismiss (Doc. 30) is **GRANTED**;
- 3) The clerk of court is directed to close this case;
- 4) Any appeal taken from this order is deemed frivolous and not taken in good faith;
- 5) The clerk of court shall mail a copy of the Report and Recommendation and this order to Plaintiff in an envelope

marked "Special Mail - Open only in the presence of the inmate.  
Legal Mail."

s/Sylvia H. Rambo  
United States District Judge

Dated: October 13, 2015.