

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

<b>FREDERICK BANKS,</b>	:	<b>CIVIL ACTION NO. 1:14-CV-005</b>
	:	
<b>Plaintiff,</b>	:	<b>(Chief Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>DIRECTOR, OFFICE OF SCIENCE AND TECHNOLOGY, BEHAVIORAL MODIFICATION UNIT, et al.,</b>	:	
	:	
<b>Defendants.</b>	:	

**ORDER**

AND NOW, this 23rd day of January, 2014, upon consideration of the report of Chief Magistrate Judge Martin C. Carlson (Doc. 5), recommending that the court grant plaintiff leave to proceed *in forma pauperis*, but further recommending that the court dismiss his complaint (Doc. 1) without leave to amend, and, following an independent review of the record, it appearing to the court that the *pro se* plaintiff's complaint is indeed noncompliant with federal pleading requirements and largely composed of disconnected and incredible allegations as the magistrate judge depicts, and the court further agreeing with the magistrate judge's conclusion that the doctrine of *res judicata* precludes the above-captioned action as the claims made by the *pro se* plaintiff have previously been addressed on the merits by the undersigned, see Banks v. Central Intelligence Agency, No. 13-cv-2664, Doc. 4 (M.D. Pa. Dec. 5, 2013); Banks v. Unknown Number of Federal Judges and States, No. 13-cv-2095, Doc. 5 (M.D. Pa. Sept. 23, 2013), and remain without merit, and it also appearing that amendment could not cure the deficiencies identified in the report because the *pro se* plaintiff has not articulated any

civil rights claim but instead merely repeats allegations previously declared frivolous, see Fletcher-Hardee Corp. v. Pote Concrete Contractors, 482 F.3d 247, 253 (3d Cir. 2007) (observing that leave to amend should ordinarily be granted unless amendment would be futile or result in undue delay), and noting that plaintiff filed objections<sup>1</sup> (Doc. 6) to the report on January 16, 2014, and the court finding the magistrate judge's analysis to be thorough, well-reasoned, and fully supported by the record, and the court further finding plaintiff's objections to be without merit and squarely addressed by Judge Carlson's report, it is hereby ORDERED that:

1. The report of the magistrate judge (Doc. 5) is ADOPTED in its entirety.
2. Plaintiff is GRANTED leave to proceed *in forma pauperis*.
3. Plaintiff's complaint (Doc. 1) is DISMISSED with prejudice.
4. Any appeal from this order is deemed to be frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).
5. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania

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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)).