

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

GERRY MOBLEY, JR.,	:	CIVIL ACTION NO. 1:14-CV-615
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
JAMES BARNACLE, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 6th day of February, 2019, upon consideration of the report (Doc. 114) of Chief Magistrate Judge Susan E. Schwab, recommending that the court dismiss the above-captioned litigation, commenced by *pro se* plaintiff Gerry Mobley, Jr. (“Mobley”), on the grounds of abandonment and failure to prosecute, (see id. at 1-2), wherein Judge Schwab opines that Mobley’s failure to pay the filing fee and administrative fee applicable to civil actions despite a court order to do so, (see Doc. 112), as well as his failure to comply with several court orders, (see Docs. 110-13), or to otherwise participate in this litigation for nearly a year,¹ leave the court with no option but to dismiss this case, and it appearing that Mobley has not objected to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that the failure of a party to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007)

¹ Mobley participated in a telephonic status conference call with Magistrate Judge Schwab on September 27, 2017, and he updated his address with the Clerk of Court on May 4, 2018. Mobley has otherwise been wholly nonresponsive to court orders and appears to have abandoned this litigation.

(citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal issues raised by the report,” Henderson, 812 F.2d at 878; see also Taylor v. Comm’r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int’l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following independent review of the record, the court in agreement with Judge Schwab’s recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 114) of Chief Magistrate Judge Schwab is ADOPTED.
2. Mobley’s amended complaint (Doc. 8) is DISMISSED.
3. 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