

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

ANTOINE M. BLACK,	:	CIVIL ACTION NO. 1:14-CV-0965
	:	
Plaintiff,	:	(Chief Judge Conner)
	:	
v.	:	
	:	
CITY OF HARRISBURG, et al.,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 11th day of August, 2014, upon consideration of the report (Doc. 9) of Chief Magistrate Judge Martin C. Carlson, granting the motion (Doc. 3) for leave to proceed *in forma pauperis* filed by *pro se* plaintiff Antoine M. Black (“Black”) but recommending that the court dismiss Black’s complaint with prejudice pursuant to the doctrines of *res judicata* and collateral estoppel, and also for failure to state a meritorious claim, (see Doc. 9 at 8-25) and, following an independent review of the record, the court being in full agreement with the magistrate judge that Black’s claims pursuant to 42 U.S.C. § 1983 are identical to those previously dismissed with leave to amend in Black v. City of Harrisburg, Civil No. 1:11-cv-1912 (M.D. Pa.), and finally with prejudice upon plaintiff’s abandonment of his causes of action by failing to file an amended complaint within the time period allotted by the court, see id., and are thus barred by the doctrines of *res judicata* and collateral estoppel, and the court also agreeing with the magistrate judge that Black’s claims are nonetheless meritless for all of the reasons stated in the court’s dismissal of Black’s prior civil case, see id., and reiterated by the

magistrate judge in his report, (see Doc. 9 at 11-25), and also agreeing that amendment could not cure the many deficiencies identified in the report because Black has not articulated a viable civil rights claim despite numerous opportunities to do so, but merely repeats allegations previously declared to be meritless, 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 Black filed objections¹ (Doc. 10) to the report on June 13, 2014, and the court further finding Black's objections to be without merit and squarely addressed by Judge Carlson's report, it is hereby ORDERED that:

1. The report (Doc. 9) of Chief Magistrate Judge Carlson is ADOPTED in its entirety.
2. Plaintiff's complaint (Doc. 1) is DISMISSED with prejudice.
3. The Clerk of Court is directed to CLOSE this case.
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).

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

¹ When a party objects to a magistrate judge's report and recommendation, the district court performs a *de novo* review of the contested portions of the report. See Behar v. Pa. Dep't of Trans., 791 F. Supp. 2d 383, 389 (M.D. Pa. 2011) (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 to "specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections." LOCAL RULE OF COURT 72.3; also Behar, 791 F. Supp. 2d at 389 (citing Shields v. Astrue, Civ. No. 07-417, 2008 U.S. Dist. LEXIS 74519, at *6 (M.D. Pa. Sept. 8, 2008)).