

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

ALLEN KELLY,	:	CIVIL ACTION NO. 1:14-CV-2322
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
J.T. MERRELL, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 20th day of December, 2016, upon consideration of the report (Doc. 68) of Chief Magistrate Judge Martin C. Carlson, recommending that the court grant defendants' motion (Doc. 55) to dismiss the civil rights complaint (Doc. 1) of *pro se* plaintiff Allen Kelly ("Kelly"), wherein Judge Carlson determines that Kelly has failed to comply with orders of court, warranting dismissal under Federal Rule of Civil Procedure 41(b), and further that Kelly's claims are procedurally defaulted for failure to exhaust administrative remedies as required by 42 U.S.C. § 1997e(a), and it appearing that, although Kelly filed blanket objections (Doc. 72) to the report, he never filed the supporting brief that he assured the court was forthcoming and for which Kelly received a generous 45-day extension of the filing deadline, (Doc. 74), but the court nonetheless mindful of Kelly's *pro se* status, and thus reviewing the report in accordance with the *de novo* standard of review applied to contested reports, see Behar v. Pa. Dep't of Transp., 791 F. Supp. 2d 383, 389 (M.D. Pa. 2011) (citing 28 U.S.C. § 636(b)(1)(C); Sample v. Diecks, 885 F.2d 1099, 1106 n.3 (3d Cir.

1989)), and applying a clear error standard of review to the uncontested portions, see Cruz v. Chater, 990 F. Supp. 375, 376-78 (M.D. Pa. 1999), the court finding Judge Carlson's analysis to be thorough, well-reasoned, and fully supported by the record before the court, and finding Kelly's objections to be without merit, it is hereby ORDERED that:

1. The report (Doc. 68) of Chief Magistrate Judge Carlson is ADOPTED.
2. Defendants' motion (Doc. 55) to dismiss is GRANTED.
3. Plaintiff's complaint (Doc. 1) is DISMISSED.
4. 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