

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

|                                     |   |                                      |
|-------------------------------------|---|--------------------------------------|
| <b>DOMINIC ESCALERA,</b>            | : | <b>CIVIL ACTION NO. 1:15-CV-2132</b> |
|                                     | : |                                      |
| <b>Plaintiff</b>                    | : | <b>(Chief Judge Conner)</b>          |
|                                     | : |                                      |
| <b>v.</b>                           | : |                                      |
|                                     | : |                                      |
| <b>WARDEN LAUREL HARRY, et al.,</b> | : |                                      |
|                                     | : |                                      |
| <b>Defendants</b>                   | : |                                      |

**ORDER & JUDGMENT**

AND NOW, this 14th day of July, 2017, upon consideration of the report (Doc. 101) of Chief Magistrate Judge Susan E. Schwab, recommending the court grant defendants' unopposed motion (Doc. 87) for summary judgment, wherein Judge Schwab opines that plaintiff Dominic Escalera ("Escalera") failed to exhaust administrative remedies, (see Doc. 101 at 23-24), and it appearing that Escalera did not respond to defendants' motion for summary judgment even after the court ordered him to do so, (see Doc. 100), and it also appearing that Escalera has not objected to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure 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) (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 an 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. 101) of Chief Magistrate Judge Schwab is ADOPTED.
2. Defendants’ unopposed motion (Doc. 87) for summary judgment is GRANTED.
3. Judgment is ENTERED in favor of defendants and against Escalera as to all claims raised in Escalera’s amended complaint.
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