

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

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| CHALMERS A. SIMPSON, JR., | : | CIVIL ACTION NO. 1:16-CV-1747 |
| | : | |
| Plaintiff | : | (Chief Judge Conner) |
| | : | |
| v. | : | |
| | : | |
| DAUPHIN COUNTY HOUSING | : | |
| AUTHORITY, <i>et al.</i>, | : | |
| | : | |
| Defendants | : | |

ORDER & JUDGMENT

AND NOW, this 23rd day of February, 2018, upon consideration of the report (Doc. 55) of Magistrate Judge Joseph F. Saporito, Jr., recommending that the court grant defendants' motion (Doc. 38) to dismiss or, in the alternative, for summary judgment, wherein Judge Saporito opines that *pro se* plaintiff Chalmers A. Simpson, Jr. ("Simpson") fails to state a claim for which relief may be granted with respect to his claims under the Fourth, Fifth, Sixth, and Eighth Amendments and state law, (see Doc. 55 at 11-17), and further opines that no genuine disputes of material fact remain as to Simpson's Fourteenth Amendment procedural due process claim, and that Simpson has failed to establish a denial of due process, (id. at 17-37), and it appearing that Simpson 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 Saporito’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. 55) of Magistrate Judge Saporito is ADOPTED.
2. Defendants’ motion (Doc. 38) to dismiss or, in the alternative, for summary judgment is GRANTED.
3. Simpson’s state law claims and Fourth, Fifth, Sixth, and Eighth Amendment claims are DISMISSED with prejudice.
4. Judgment is ENTERED in favor of defendants and against Simpson with respect to Simpson’s Fourteenth Amendment claim.
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