

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

|                                                      |   |                                      |
|------------------------------------------------------|---|--------------------------------------|
| <b>GALEN EUGENE GILLIS,</b>                          | : | <b>CIVIL ACTION NO. 1:16-CV-2067</b> |
|                                                      | : |                                      |
| <b>Plaintiff</b>                                     | : | <b>(Chief Judge Conner)</b>          |
|                                                      | : |                                      |
| <b>v.</b>                                            | : |                                      |
|                                                      | : |                                      |
| <b>HARRISBURG EDUCATION<br/>ASSOCIATION, et al.,</b> | : |                                      |
|                                                      | : |                                      |
| <b>Defendant</b>                                     | : |                                      |

**ORDER**

AND NOW, this 10th day of February, 2017, upon consideration of the report (Doc. 10) of Magistrate Judge Martin C. Carlson, recommending the court grant defendants' motion (Doc. 7) to dismiss the above-captioned action, wherein Judge Carlson identifies manifold deficiencies in the *pro se* plaintiff's civil rights complaint (Doc. 1), and the court noting that plaintiff filed an objection (Doc. 13) to the report, see FED. R. CIV. P. 72(b)(2), and defendants filed a response (Doc. 14) thereto, and, following a *de novo* review of the contested portions of the report, 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, and

finding plaintiff's objection (Doc. 13) to be without merit and squarely addressed by the report, it is hereby ORDERED that:

1. The report (Doc. 10) of Magistrate Judge Carlson is ADOPTED.
2. Defendants' motion (Doc. 7) to dismiss is GRANTED.
3. Plaintiff's complaint (Doc. 1) is DISMISSED without prejudice.
4. Plaintiff is granted leave to file an amended complaint within thirty (30) days of the date of this order, consistent with the report (Doc. 10) of Magistrate Judge Carlson.
5. Any amended pleading filed pursuant to paragraph 4 shall be filed to the same docket number as the instant action, shall be entitled "First Amended Complaint," and shall be complete in all respects. It shall be a new pleading which stands by itself as an adequate complaint under the Federal Rules of Civil Procedure, without reference to the pleading (Doc. 1) hereinabove dismissed.
6. In the absence of a timely-filed first amended complaint, the Clerk of Court shall CLOSE this case.

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