

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

JOSE NEMESIO LAULOPEZ	:	CIVIL ACTION NO. 1:23-CV-1242
ESTATE,	:	
	:	(Judge Conner)
Plaintiff	:	
	:	
v.	:	
	:	
TRANSUNION CONSUMER	:	
SERVICES, LLC, EQUIFAX, and	:	
EXPERIAN,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 6th day of February, 2024, upon consideration of the memorandum and order (Docs. 7, 8) issued by Chief Magistrate Judge Karoline Mehalchick on October 30, 2023, in which Judge Mehalchick screened the *pro se* complaint of plaintiff Jose Laulopez, opined that it failed to state a claim for which relief may be granted under the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.*, the False Claims Act, 31 U.S.C. § 3730, and the Gramm-Leach-Bliley Act, 15 U.S.C. § 6801 *et seq.*, and granted Laulopez leave to file an amended complaint within 28 days, (see Doc. 8), and further upon consideration of the report (Doc. 9) filed on January 18, 2024, wherein Judge Mehalchick recommends that the court dismiss Laulopez's complaint for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b) based upon Laulopez's failure to comply with the court's order to file an amended pleading, but the court observing that, while it does appear from the lack of filings on the docket by Laulopez since he initiated this action in July 2023 that he may have abandoned this lawsuit, it remains his prerogative to stand

on his initial complaint if he so chooses, and thus concluding that dismissal for failure to prosecute based on his ostensible election to do so is not appropriate, but the court further concluding that dismissal of Laulopez's complaint for failure to state a claim for which relief may be granted is appropriate for the reasons set forth in Judge Mehalchick's initial memorandum, (Doc. 7 at 5-9), which we incorporate herein in full, and the court observing that Laulopez has not appealed Judge Mehalchick's initial order, see FED. R. CIV. P. 72(a), nor has he objected to the report, see FED. R. CIV. P. 72(b)(2), and, following an independent review of Laulopez's complaint, the court being in agreement with and adopting in full Judge Mehalchick's analysis and concluding that the complaint fails to state a claim for which relief may be granted, see 28 U.S.C. § 1915(e)(2), and that granting further leave to amend would be futile because Laulopez previously has been granted leave to amend and did not file an amended pleading, see Grayson v. Mayview State Hosp., 293 F.3d 103, 108 (3d Cir. 2002), it is hereby ORDERED that:

1. The court declines to adopt the report (Doc. 9) to the extent it recommends dismissal for failure to comply with a court order pursuant to Rule 41(b).
2. Laulopez's complaint (Doc. 1) is DISMISSED for failure to state a claim for which relief may be granted. See 28 U.S.C. § 1915(e)(2).
3. Any appeal from this order is deemed to be frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).
4. The Clerk of Court shall CLOSE this case.

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