

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSEPH R. REISINGER,	:	
	:	CIVIL ACTION NO. 3:09-CV-210
Plaintiff,	:	
	:	(JUDGE CONABOY)
v.	:	(Magistrate Judge Carlson)
	:	
THE CITY OF WILKES-BARRE, et al.,	:	
Defendants.	:	

**FILED
SCRANTON**

JAN 26 2011

PER CTC
DEPUTY CLERK

ORDER

AND NOW, THIS 26th DAY OF JANUARY 2011, IT APPEARING

TO THE COURT THAT:

1. Plaintiff filed this 42 U.S.C. § 1983 action on February 2, 2009 (Doc. 1);
2. The matter was assigned to Magistrate Judge Martin C. Carlson who issued a Report and Recommendation on January 7, 2011 (Doc. 83), recommending the Court grant Plaintiff's Motion to Dismiss Complaint, Filed Pursuant to Fed. R.C.P. 41(a)(2) to Allow the Plaintiff to Make Judge Conaboy's Orders of December 8, 2010, Final Orders, for Purposes of Permitting an Immediate Appeal of Same (Doc. 81);
3. No objections have been filed to the Report and Recommendation and the time for such filing has passed.

IT FURTHER APPEARING TO THE COURT THAT:

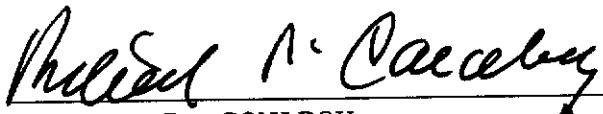
1. When a magistrate judge makes a finding or ruling on a motion or issue, his determination should become that of the court

unless objections are filed. See *Thomas v. Arn*, 474 U.S. 150-53 (1985). Moreover, when no objections are filed, the district court is required only to review the record for "clear error" prior to accepting a magistrate judge's recommendation. See *Cruz v. Chater*, 990 F. Supp. 375-78 (M.D. Pa. 1998); *Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998).

2. Our review of the record reveals no clear error in the Magistrate Judge's conclusion that Plaintiff's motion should be granted.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

1. The Magistrate Judge's Report and Recommendation (Doc. 83) is ADOPTED;
2. Plaintiff's Motion to Dismiss Complaint, Filed Pursuant to Fed. R.C.P. 41(a)(2) to Allow the Plaintiff to Make Judge Conaboy's Orders of December 8, 2010, Final Orders, for Purposes of Permitting an Immediate Appeal of Same (Doc. 81) is GRANTED;
3. Plaintiff's 42 U.S.C. § 1983 action is dismissed with prejudice;
4. The Clerk of Court is directed to close this case.


RICHARD P. CONABOY
United States District Judge