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

ABDEL FATTAH,

Plaintiff,

v.

MARY SABOL, *et al.*,

Defendants.

CIVIL ACTION NO. 3:CV-10-1607

(JUDGE CAPUTO)

(MAGISTRATE JUDGE BLEWITT)

ORDER

NOW, this 24th day of April, 2013, upon review of the Report and Recommendation of Magistrate Judge Thomas M. Blewitt (Doc. 37) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 37) is **ADOPTED**. The action is **DISMISSED** pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.¹
- (2) Plaintiff Abdel Fattah's Motion to Transfer Action (Doc. 40) with respect to the claims against the South Carolina Defendants is **DENIED as moot** as the claims against these Defendants were previously dismissed without prejudice so they could be filed in the proper district court. (Doc. 17, December 13, 2010 Memorandum and Order, at 5, 9.)
- (3) The Clerk of Court is directed to mark the case as **CLOSED**.


A. Richard Caputo
United States District Judge

¹ Following Magistrate Judge Blewitt's issuance of the Report and Recommendation on May 17, 2012, Plaintiff filed a Notice of Appeal with the Third Circuit. (Doc. 38.) The appeal was dismissed by the Third Circuit on March 28, 2013 for lack of jurisdiction. (Doc. 49.) Plaintiff has failed to since respond to the Report and Recommendation or otherwise prosecute the action in this Court. Dismissal under Rule 41(b) therefore remains appropriate.