UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

MARTIN J. SUTTON-EL,
Plaintiff,

vs.

BRYAN A. BLEDSOE, et al.,
Defendants.

CIVIL ACTION NO. 3:11-2354

(Judge Kosik)

MEMORANDUM AND ORDER

AND NOW, this 28th day of November, 2012, IT APPEARING TO THE COURT THAT:

(1) Plaintiff, Martin J. Sutton-el, a former prisoner who had been confined at USP- Lewisburg, Pennsylvania, filed the instant civil rights action on December 20, 2011;

(2) Plaintiff's complaint raises issues of alleged Constitutional violations arising out of prison disciplinary proceedings and plaintiff's placement in the special management unit while he was housed at USP- Lewisburg;

(3) The action was assigned to Magistrate Judge Malachy E. Mannion for Report and Recommendation;

(4) On November 9, 2012, the Magistrate Judge issued a Report and Recommendation (Doc. 45) wherein he recommended that Plaintiff's action be dismissed for failure to prosecute pursuant to Fed. R. Civ. P. 41 (b) and Local Rule 83.3.1 (a). Specifically, the Magistrate Judge found that based on the factors set forth in Poulis v. State Farm Fire Fire & Casualty Co., 747 F. 2d 863, 868 (3d Cir. 1994), and on the failure of plaintiff to apprise the court of his whereabouts, the action should be dismissed for failure to prosecute;

(5) Plaintiff has failed to file timely objections to the Magistrate Judge's Report and Recommendation;

AND, IT FURTHER APPEARING THAT:

(6) If no objections are filed to a Magistrate Judge's Report and Recommendation, the plaintiff is not statutorily entitled to a *de novo* review of his claims. 28 U.S.C.A.§636(b)(1)(C); *Thomas v. Arn*, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987);

(7) We have considered the Magistrate Judge's Report and we concur with his recommendation;

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

(1) The Report and Recommendation of Magistrate Judge Malachy E. Mannion dated November 9, 2012 (Doc. 45) is **ADOPTED**;

(2) The above-captioned action is **DISMISSED** for failure to prosecute; and

(3) The Clerk of Court is directed to **CLOSE** this case and to forward a copy to the Magistrate Judge.

Edwin M. Kosik
United States District Judge