

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

SCOTT NJOS,	:	3:12-cv-1038
Plaintiff,	:	
	:	
v.	:	Hon. John E. Jones III
	:	
S. ARGUETA, <i>et al.</i> ,	:	Hon. Joseph F. Saporito, Jr.
Defendants.	:	

ORDER

April 6, 2017

AND NOW, upon consideration of the Report and Recommendation (Doc. 255) of United States Magistrate Judge Joseph F. Saporito, Jr., recommending that we adopt the proposed findings of fact and conclusions of law set forth in the report, which were arrived at by the Magistrate Judge following a full evidentiary hearing on the threshold issue of whether the Plaintiff failed to exhaust his administrative remedies, and further recommending that judgment be granted in favor of the Defendants and against the Plaintiff on the ground that Plaintiff failed to exhaust his administrative remedies as required by 42 U.S.C. § 1997e(a), and noting that Plaintiff has filed objections (Doc. 261)¹, and the Court finding Judge

¹ Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. *Supinski v. United Parcel Serv.*, Civ. A. No. 06-0793, 2009 WL 113796, at *3 (M.D. Pa. Jan. 16, 2009) (citing *Sample v. Diecks*, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule

Saporito's analysis to be thorough, well-reasoned, and fully supported by the record, and the Court further finding Plaintiff's objections to be without merit² **IT**

IS HEREBY ORDERED THAT:

1. The Report and Recommendation of Magistrate Judge Saporito (Doc. 255) is **ADOPTED** in its entirety.
2. The Court **ADOPTS** the proposed findings of fact and conclusions of law as set forth by the Magistrate Judge within the Report and Recommendation.
3. Pursuant to Fed. R. Civ. P. 58, judgment is **ENTERED** as a matter of law in favor of all remaining Defendants and against Plaintiff, based on our determination that the Plaintiff failed to exhaust his administrative remedies as required by 42 U.S.C. § 1997E(a).
4. The Clerk of Court shall **CLOSE** the file on this case.

of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" *Id.* (citing *Shields v. Astrue*, Civ. A. No. 07-417, 2008 WL 4186951, at *6 (M.D. Pa. Sept. 8, 2008)). Although the standard of review is *de novo*, 28 U.S.C. § 636(b)(1) permits whatever reliance the district court, in the exercise of sound discretion, chooses to place on a magistrate judge's proposed findings and recommendations. *See United States v. Raddatz*, 447 U.S. 667, 674-75 (1980); *see also Matthews v. Weber*, 423 U.S. 261, 275 (1976); *Goney v. Clark*, 749 F.2d 5, 7 (3d Cir. 1984). 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" *Id.* (citing *Shields v. Astrue*, Civ. A. No. 07-417, 2008 WL 4186951, at *6 (M.D. Pa. Sept. 8, 2008)).

² Plaintiff's submission contains no arguments that cause us to depart from the Magistrate Judge's appropriate reasoning and correct conclusions.

s/ John E. Jones III

John E. Jones III

United States District Judge