

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

NEFTALI BLISS,

Plaintiff,

v.

UNITED STATES, et al.,

Defendants.

: : : :
CIVIL ACTION NO. 3:12-CV-2254
(Judge Kosik)

ORDER

AND NOW, this 27th day of January, 2016, IT APPEARING TO THE COURT THAT:

- (1) Plaintiff, Neftali Bliss, formerly an inmate at LSCI- Allenwood, Pennsylvania, filed a Complaint in the instant action on November 13, 2012. An Amended Complaint (Doc. 82) was filed on February 10, 2015, and, a Second Amended Complaint (Doc. 103) was filed on October 22, 2015;
- (2) The matter was referred to Magistrate Judge Martin C. Carlson;
- (3) Defendants filed a Motion to Strike the Second Amended Complaint and Brief in Support thereof (Docs. 105 and 106) on November 6, 2015;
- (4) Plaintiff filed no opposition to the Motion to Strike;
- (5) On January 6, 2016, the Magistrate Judge issued a Report and Recommendation (Doc. 107), recommending that the instant action be dismissed, because of Plaintiff's repeated failure to prosecute this case;
- (6) Specifically, the Magistrate Judge set forth the procedural history of this case, including Plaintiff's conduct in prosecuting this action. The Magistrate Judge found that under Middle District Local Rule 7.6 the Motion to Strike should be deemed unopposed and granted; that dismissal is warranted under Rule 41(b) after applying the factors set forth in Poulis v. State Farm and Cas. Co., 747 F. 2d 863 (3d

Cir. 1984); and that Plaintiff's Second Amended Complaint fails to comply with Fed. R. Civ. P. 8 in that it fails to clearly identify Defendants and claims;

(7) No Objections have been filed to the Report and Recommendation;

AND, IT FURTHER APPEARING THAT:

(8) 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);

(9) We have reviewed the Report of the Magistrate Judge and agree with his recommendation;

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

(1) The Report and Recommendation of Magistrate Judge Martin C. Carlson (Doc. 107) filed on January 6, 2016, is **ADOPTED**;

(2) Defendants' Motion to Strike (Doc. 105) is **GRANTED** and Plaintiff's Second Amended Complaint (Doc. 103) is **STRICKEN**;

(3) The above-captioned action is **DISMISSED**; and,

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

s/Edwin M. Kosik
Edwin M. Kosik
United States District Judge