

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

CLARENCE D. SCHREANE,

Plaintiff,

v.

JEFF THOMAS, *et al.*,

Defendants.

CIVIL ACTION NO. 3:CV-13-1057

(JUDGE CAPUTO)

(MAGISTRATE JUDGE BLEWITT)

MEMORANDUM ORDER

Presently before the Court is the Report and Recommendation of Magistrate Judge Thomas M. Blewitt (Doc. 44) to Defendants' Motion to Dismiss and for Summary Judgment (Doc. 24). Magistrate Judge Blewitt recommends that Defendants' motion be granted in its entirety with respect to all of Plaintiff's claims against all Defendants. (Doc. 44, 40.) Magistrate Judge Blewitt further recommends that Plaintiff be granted leave to amend only with respect to his First Amendment denial of access to courts claim. (*Id.*)

On February 20, 2014, Plaintiff filed a thirty-three (33) page document entitled "Opposition to Report and Recommendation, and Supplement under Federal Rule of Civil Procedure Rule 15(d)/(c)." (Doc. 62.) Plaintiff, however, does not set forth an objection to any of Magistrate Judge Blewitt's recommendations. Instead, it appears as though Plaintiff is seeking to add additional individuals as defendants to this action who were not identified in his original Complaint.

Because Plaintiff has not filed specific objections to the Report and Recommendation, it can be reviewed for clear error. See *Cruz v. Chater*, 990 F.Supp. 375, 376-77 (M.D. Pa. 1998). And, finding Magistrate Judge Blewitt's Report and Recommendation free of error, it will be adopted as set forth below.¹

With respect to Plaintiff's indication that he wishes to add defendants to this action, Plaintiff may seek leave to amend his pleading if he so desires. As noted by

¹ Adoption of the Report and Recommendation is also appropriate under a *de novo* review.

Magistrate Judge Blewitt, Plaintiff has filed a number of actions in this Court and he is well aware of this Court's Local Rules. Thus, insofar as Plaintiff attempts to amend his pleading, he shall comply with the Local Rules of this Court.

Accordingly, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 44) is **ADOPTED** as follows:
 - (A) Defendants' Motion to Dismiss and for Summary Judgment (Doc. 24) is **GRANTED**.
 - (B) Plaintiff's claims against the currently named Defendants are **DISMISSED**.
 - (C) Plaintiff has **twenty-eight (28) days** from the date of entry of this Order to file an amended complaint stating a First Amendment denial of access to courts claim against the currently named Defendants.
- (2) Plaintiff may seek leave to amend his pleading to assert claims against individuals not named as defendants in this action within **twenty-eight (28) days** from the date of entry of this Order.
- (3) Plaintiff's Motion to Amend his Complaint to add a New Defendant (Doc. 39) is **DENIED**.
- (4) Defendants' Motion to Stay (Doc. 43) is **DENIED as moot**.
- (5) The matter is **RECOMMITTED** to Magistrate Judge Blewitt for further proceedings.

May 6, 2014
Date

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge