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JUN 4 2014

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

PER


DEPUTY CLERK

CALVIN KEITH,	:	
	:	
Plaintiff,	:	CIVIL ACTION NO. 3:13-CV-2399
	:	
v.	:	
	:	
MICHAEL DELEO, et al.,	:	(Judge Kosik)
	:	
Defendants.	:	

ORDER

AND NOW, this 4th day of JUNE, 2014, IT APPEARING TO THE COURT

THAT:

(1) Plaintiff, Calvin Keith, formerly an inmate at the Lebanon County Correctional Facility, filed a civil rights action pursuant to 42 U.S.C. §1983 on September 17, 2013. An Amended Complaint was filed on October 17, 2013 (Doc. 10);

(2) The basis of the action was a fall during transport to a hearing;

(3) The matter was assigned to Magistrate Judge Martin C. Carlson for Report and Recommendation;

(4) Beginning in December of 2013, correspondence from the court sent to Plaintiff has been returned to the court, advising that Plaintiff was released and left no forwarding address (Docs. 14, 20, 22);

(5) On April 21, 2014, Defendants filed a Motion to Dismiss and Brief in Support thereof (Docs. 17, 18);

(6) On May 27, 2014, the Magistrate Judge issued a Report and Recommendation (Doc. 21) recommending that the Motion to Dismiss be granted¹

(7) Specifically, the Magistrate Judge found that Plaintiff failed to advise the

¹We note that the Report and Recommendation was returned to this court (Doc. 22).

court of his whereabouts contrary to this Court's Standing Practice Order (Doc. 6); that Plaintiff's case should be deemed abandoned for failure to comply with Local Rule 83.18; that the Motion to Dismiss should be deemed unopposed and granted; and that the case should be dismissed pursuant to Fed. R. Civ. P. 41(b) and the factors set forth in Poulis v. State Farm Fire and Casualty Co., 747 F. 2d 863, 868 (3d Cir. 1984);

AND, IT FURTHER APPEARING THAT:

(8) We have reviewed the Report and Recommendation of the Magistrate Judge and we agree with his conclusions;

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

- (1) The Report and Recommendation of Magistrate Judge Martin C. Carlson May 27, 2014 (Doc. 21) is **ADOPTED**;
- (2) The Defendants' Motion to Dismiss (Doc. 17) is **GRANTED**;
- (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.



Edwin M. Kosik
United States District Judge