

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

ANTONELLO BOLDRINI,

Plaintiff,

v.

LEWIS WETZEL, *et al.*,

Defendants.

CIVIL ACTION NO. 3:CV-13-2485

(JUDGE CAPUTO)

(MAGISTRATE JUDGE BLEWITT)

MEMORANDUM ORDER

Presently before the Court is Magistrate Judge Blewitt's Report and Recommendation (Doc. 13) to Plaintiff's Amended Complaint. Magistrate Judge Blewitt recommends that the Amended Complaint be dismissed. In particular, Magistrate Judge Blewitt identifies the following defects in the Amended Complaint: (1) this Court cannot order the arrest and prosecution of Defendants for violating federal criminal statutes; (2) Plaintiff's Fifth Amendment claim fails because there is no alleged involvement by a federal actor; (3) Plaintiff's pre-September 30, 2011 claims are time-barred; (4) many of Plaintiff's constitutional claims are barred by the *Rooker-Feldman* doctrine; (5) Defendant state court judges, officials of the state court system, and prosecutors are entitled to immunity; and (6) Plaintiff fails to adequately state claims for conspiracy. Magistrate Judge Blewitt also recommends that the action be dismissed with prejudice because it would be futile to allow Plaintiff a second opportunity to amend his pleading.

Plaintiff's objections to the Report and Recommendation were originally due on February 3, 2014. Plaintiff, however, was given an extension until February 24, 2014 to file objections. (Doc. 15.) On February, 24, 2014, Plaintiff again requested additional time to file objections, (Doc. 16), and he was granted until March 27, 2014 to file objections. (Doc. 17.) Thereafter, Plaintiff again sought additional time to file objections to the Report and Recommendation, (Doc. 19), and he was directed to file objections "on or before April 27, 2014." (Doc. 20.) Plaintiff, however, has yet to file objections to the Report and Recommendation, and he has failed to request additional time to file same.

Where objections to the Magistrate Judge's report are filed, the court must conduct a *de novo* review of the contested portions of the report. *Sample v. Diecks*, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989) (citing 28 U.S.C. § 636(b)(1)(c)). However, this only applies to the extent that a party's objections are both timely and specific. *Goney v. Clark*, 749 F.2d 5, 6-7 (3d Cir. 1984) (emphasis added). In conducting a *de novo* review, the court may accept, reject, or modify, in whole or in part, the factual findings or legal conclusions of the magistrate judge. See 28 U.S.C. § 636(b)(1); *Owens v. Beard*, 829 F. Supp. 736, 738 (M.D. Pa. 1993). Although the review is *de novo*, the law permits the court to rely on the recommendations of the magistrate judge to the extent it deems proper. See *United States v. Raddatz*, 447 U.S. 667, 675–76, 100 S. Ct. 2406, 65 L. Ed. 2d 424 (1980); *Goney*, 749 F.2d at 7; *Ball v. United States Parole Comm'n*, 849 F. Supp. 328, 330 (M.D. Pa. 1994). Uncontested portions of the report may be reviewed at a standard determined by the district court. See *Thomas v. Arn*, 474 U.S. 140, 154, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985); *Goney*, 749 F.2d at 7. At the very least, the court should review uncontested portions for clear error or manifest injustice. See, e.g., *Cruz v. Chater*, 990 F. Supp. 375, 376-77 (M.D. Pa. 1998).

Here, as noted, Plaintiff failed to file timely objections to the Report and Recommendation despite being afforded three extensions to do so. As such, the Report and Recommendation is ripe for review.

Accordingly, finding no clear error in the Report and Recommendation, and further noting that an independent review of the Amended Complaint demonstrates that Plaintiff fails to state a claim upon which relief can be granted, **IT IS HEREBY ORDERED** that:

- (1) Magistrate Judge Blewitt's Report and Recommendation (Doc. 13) is **ADOPTED**.
- (2) Plaintiff's Amended Complaint (Doc. 11) is **DISMISSED with prejudice**.
- (3) The Clerk of Court is directed to mark the case as **CLOSED**.

May 7, 2014
Date

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