

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

ANTHONY TARPLEY-BEY,

Plaintiff,

v.

AGENTS OF THE UNITED STATES  
OF AMERICA,  
WARDEN L.J. ODDO, and  
CAPTAIN UNKNOWN NAMED,

Defendants.

No. 3:17-CV-01751

(Judge Brann)

(Magistrate Judge Carlson)

**ORDER**

**MARCH 8, 2019**

On January 24, 2019, Magistrate Judge Martin C. Carlson issued a Report and Recommendation recommending that this Court grant Defendants' motion to dismiss. No timely objections were filed to this Report and Recommendation.

Where no objection is made to a report and recommendation, this court will review the recommendation only for clear error. Fed. R. Civ. P. 72(b), advisory committee notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed). Regardless of whether timely objections are made, district courts may accept, not accept, or modify—in whole or in part—the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1);

Local Rule 72.31. This Court has reviewed the Report and Recommendation and has found no clear error on the face of the record. Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Martin C. Carlson's Report and Recommendation (ECF No. 35) is **ADOPTED IN ITS ENTIRETY**;
2. Defendants' motion to dismiss (ECF No. 27) is **GRANTED**;
3. Plaintiff's motion to dismiss (ECF No. 32) is **DENIED**;
4. The amended complaint (ECF No. 17) is **DISMISSED**; and
5. The Clerk of Court is direct to close this case.

BY THE COURT:

*s/ Matthew W. Brann*  
Matthew W. Brann  
United States District Judge