

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN A. CATANIA, :
 :
 Plaintiff : **CIVIL ACTION NO. 3:17-1951**
 :
 v. : **(JUDGE MANNION)**
 :
 SANDRA SHEPPARD, :
 :
 Defendant :

ORDER

Pending before the court is the report of Magistrate Judge Martin C. Carlson, which recommends that the plaintiff's complaint be dismissed for failure to state a claim upon which relief can be granted. (Doc. 4). No objections have been filed to Judge Carlson's report. Upon review, Judge Carlson's report will be **ADOPTED IN ITS ENTIRETY**.

When no objections are made to a report and recommendation, the district court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b), advisory committee notes; see also Univac Dental Co. v. Dentsply Intern., Inc., 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (citing Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every report and recommendation)). Nevertheless, whether timely objections are made or not, the district court 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.

Here, the plaintiff's complaint is a 2-page pleading, which contains no factual narrative, but has attached to it a number of state court documents. (Doc. 1). As indicated by Judge Carlson, the state court documents reflect that the plaintiff is a defendant in a state civil lawsuit, and has been held in contempt by the state court, which has ordered him to pay the amount of \$1,600 or face incarceration for 30 days. The plaintiff appealed the state court's determination to the Pennsylvania Commonwealth Court, but also filed the instant action asking this court to "reverse[] [his] two contempts and judgment for opposing parties."

In screening the plaintiff's complaint, Judge Carlson provides that the plaintiff is seeking to have this court serve as a state appellate court and review the state court rulings in the civil action against him, and that such relief is barred by the Rooker-Feldman doctrine, which compels federal district courts to decline invitations to conduct that amounts to appellate review of state court decisions. Further, to the extent that the plaintiff is seeking to have this court intervene with his pending state case and enter an order setting aside the state court rulings, Judge Carlson concludes that such relief runs afoul of the Younger abstention doctrine. For these reasons, Judge Carlson recommends that the plaintiff's complaint be dismissed for failure to state a claim upon which relief can be granted.

The plaintiff has failed to file any objections to Judge Carlson's report and the court finds no clear error on the face of the record. As such, Judge Carlson's report and recommendation will be adopted in its entirety.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- (1) the report and recommendation of Judge Carlson, (**Doc. 4**),
is **ADOPTED IN ITS ENTIRETY**;
- (2) the plaintiff's complaint, (**Doc. 1**), is **DISMISSED**; and
- (3) the Clerk of Court is directed to **CLOSE THIS CASE**.

Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Date: November 20, 2017

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