

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

BRIAN E. BOYER,

Plaintiff,

v.

DAVID DONKOCHIK, *et al.*,

Defendants.

No. 4:19-CV-01434

(Judge Brann)

(Magistrate Judge Saporito)

ORDER

JUNE 4, 2021

Brian Boyer filed this federal civil rights action alleging excessive force and failure to protect claims relating to his arrest and detention on a technical parole violation warrant.¹ On March 1, 2021, Magistrate Judge Joseph F. Saporito, Jr. issued a Report and Recommendation recommending that this Court grant the Plaintiff's motion for voluntary dismissal of all claims against Stephen Mazzeo.² Defendants have not filed objections to the Report and Recommendation.

Where no objection is made to a Report and Recommendation, this Court will review the recommendation only for clear error.³ Regardless of whether objections are made, District Courts may accept, reject, or modify—in whole or in part—the

¹ Doc. 78.

² Doc. 78.

³ 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).

findings or recommendations made by the magistrate judge.⁴ Upon review of the record, the Court finds no error—clear or otherwise—in Magistrate Judge Saporito’s conclusion that this Court grant the Plaintiff’s motion for voluntary dismissal of all claims against Stephen Mazzeo. Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Joseph F. Saporito, Jr.’s Report and Recommendation (Doc. 78) is **ADOPTED**;
2. Plaintiff’s motion for voluntary dismissal of all claims against Stephen Mazzeo is **GRANTED**.
3. This matter is **REMANDED** to Magistrate Judge Saporito for further proceedings.

BY THE COURT:

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

⁴ 28 U.S.C. § 636(b)(1); Local Rule 72.31.