

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

JEFFREY D. HILL,

Plaintiff,

v.

DOUG MASTRIANO,

Defendant.

No. 4:22-CV-00556

(Chief Judge Brann)

(Magistrate Judge Arbuckle)

**ORDER**

**AUGUST 2, 2022**

Plaintiff filed the instant action on April 15, 2022, and it was jointly assigned to the undersigned and to a magistrate judge. Upon designation, a magistrate judge may “conduct hearings, including evidentiary hearings, and . . . submit to a judge of the court proposed findings of fact and recommendations.”<sup>1</sup> Once filed, this report and recommendation is disseminated to the parties in the case who then have the opportunity to file written objections.<sup>2</sup>

On April 26, 2022, United States Magistrate Judge William I. Arbuckle, to whom this matter is jointly assigned, issued a thorough report and recommendation recommending that 1) Hill’s motion for leave to proceed *in forma pauperis* be granted, 2) this case be dismissed without leave to amend pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), and 3) Calvin Clements’s motion to intervene be denied.

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<sup>1</sup> 28 U.S.C. § 636(b)(1)(B).

<sup>2</sup> 28 U.S.C. § 636(b)(1).

Calvin Clements, Proposed Intervenor, filed objections to the report and recommendation on May 10, 2022. “If a party objects timely to a magistrate judge’s report and recommendation, the district court must ‘make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.’”<sup>3</sup> Portions of a report and recommendation to which no objections are filed are reviewed only for clear error.<sup>4</sup> Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the findings or recommendations made by the magistrate judge.<sup>5</sup>

Because the Court writes solely for the parties, it will not restate the facts, but will instead adopt the recitation of facts as set forth by the magistrate judge. The Court has conducted a de novo review here and found no error. Accordingly, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge William I. Arbuckle’s Report and Recommendation (Doc. 7) is **ADOPTED**.
2. Hill’s motion for leave to proceed *in forma pauperis* (Doc. 2) is **GRANTED**.

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<sup>3</sup> *Equal Emp’t Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) (quoting 28 U.S.C. § 636(b)(1)).

<sup>4</sup> 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); *see also Snyder v. Bender*, 548 F. App’x 767, 771 (3d Cir. 2013) (noting that district courts need not conduct *de novo* review of portions of recommendation to which no party files specific objections).

<sup>5</sup> 28 U.S.C. § 636(b)(1); Local Rule 72.31.

3. Hill's complaint (Doc. 1) is **DISMISSED WITH PREJUDICE**.
4. Clements's motion to intervene (Doc. 6) is **DENIED**.
5. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

Chief United States District Judge