

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

|                                |   |                                    |
|--------------------------------|---|------------------------------------|
| <b>EUGENE M. BROWN,</b>        | : | <b>No. 4:23cv878</b>               |
| <b>Plaintiff</b>               | : |                                    |
|                                | : | <b>(Judge Munley)</b>              |
| <b>v.</b>                      | : |                                    |
|                                | : | <b>(Magistrate Judge Arbuckle)</b> |
| <b>DETECTIVE TYSON HAVENS,</b> | : |                                    |
| <b>Defendant</b>               | : |                                    |

**ORDER**

Presently before the court is the Report and Recommendation (“R&R”) of Magistrate Judge William I. Arbuckle recommending that the defendant’s motion to dismiss/motion for summary judgment be deemed moot and this case be dismissed with prejudice for failure to prosecute. (Doc. 29). No objections to the R&R have been filed and the time for such filing has passed.

In deciding whether to adopt the report and recommendation when no timely objection is filed, the court must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b), 1983 Advisory Committee Notes (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation”); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, Magistrate Judge Arbuckle cogently applied the Poulis factors in recommending the dismissal of plaintiff's action with prejudice for failure to prosecute. See Poulis v. State Farm Fire and Cas. Co., 747 F.2d 863, 868 (3d Cir. 1984). The court thus finds neither clear error on the face of the record nor a manifest injustice, and therefore, the court shall accept the R&R and adopt it in its entirety. It is hereby **ORDERED** as follows:

- 1) The R&R (Doc. 29) is **ADOPTED** in its entirety;
- 2) Plaintiff's action is **DISMISSED** with prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b);
- 3) Defendants' motion to dismiss and/or motion for summary judgment (Doc. 20) is moot; and
- 4) The Clerk of Court is directed to close this case.

Date: 6/4/24

BY THE COURT:

  
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JUDGE JULIA K. MUNLEY  
United States District Court