

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

KENTLIN HOPKINS,

Plaintiff,

v.

CORRECTIONS OFFICER
KENDILE, *et al.*,

Defendants.

Civil Action No. 09-200 Erie

MEMORANDUM ORDER

Plaintiff's motion for leave to proceed *in forma pauperis* [1] and civil rights complaint were received by the Clerk of Court on August 7, 2009 and were referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. However, Plaintiff's *in forma pauperis* motion was unaccompanied by a certified copy of his institutional account statement(s) as required by 28 U.S.C. § 1915(a)(2). As a result, Magistrate Judge Baxter entered an order on August 12, 2009 [2] directing the Plaintiff to submit a certified copy of the required institutional account statement(s) on or before September 1, 2009 or suffer dismissal of this action for failure to prosecute. Plaintiff appealed that order to this Court [4] and, on August 31, 2009, I entered a text order directing that Plaintiff be granted an extension of time until October 1, 2009 in which to file the required institutional account statement(s) or suffer dismissal of this case for failure to prosecute. On September 14, 2009, Plaintiff filed an "In Forma Pauperis Verified Statement" [7]; however, no account statement was attached to this document. Accordingly, on October 21, 2009, Magistrate Judge Baxter issued an order [8] directing the Plaintiff to submit the required statement(s) on or before November 2, 2009 or suffer dismissal of this action for failure to prosecute. To date, Petitioner has failed to submit any institutional account statement(s).

Judge Baxter's Report and Recommendation, filed on December 8, 2009 [9], recommends that the instant civil action be dismissed for failure to prosecute, inasmuch as Plaintiff has failed to comply with the terms of the courts' orders by submitting the required financial documentation. Plaintiff was allowed ten (10) days from the date of service in which to file objections. Service was made on Plaintiff by certified mail at SCI Forest, where he is incarcerated. To date, he has filed no objections to the Report and Recommendation.

After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 6th day of April, 2010;

IT IS ORDERED that the instant civil action be, and hereby is, DISMISSED for Plaintiff's failure to prosecute.

The Report and Recommendation of Magistrate Judge Baxter, filed on December 8, 2009 [9], is adopted as the opinion of the Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

cm: Kentlin Hopkins
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SCI Forest
PO BOX 945
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U.S. Magistrate Judge Susan Paradise Baxter