

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

ROBERT MARSH,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

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Civil Action No. 10-91 Erie

**MEMORANDUM ORDER**

This civil rights action was received by the Clerk of Court on April 19, 2010, and was referred to United States Magistrate Judge Lisa Pupo Lenihan 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.

The Magistrate Judge's Report and Recommendation [ECF No. 6], filed on February 23, 2011, recommended that Plaintiff's case be dismissed under 28 U.S.C. § 1915(e) and/or 1915A for failure to state a claim upon which relief may be granted under 42 U.S.C. § 1983. Plaintiff was allowed fourteen (14) days from the date of service to file objections. On March 15, 2011, Plaintiff was granted an extension until April 14, 2011 to file objections. See Text Order dated March 15, 2011. No objections were filed. After de novo review of the motion and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 19<sup>th</sup> day of April, 2011;

IT IS HEREBY ORDERED that the Plaintiff's case is DISMISSED under 28 U.S.C. § 1915(e) and/or 1915A for failure to state a claim upon which relief may be granted under 42 U.S.C. § 1983.

The Report and Recommendation [ECF No. 6] of Magistrate Judge Lenihan, filed on February 23, 2011, is adopted as the Opinion of the Court.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge