

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

JOHN ROBERT DEMOS, JR., <i>et al.</i> ,)	
)	
Plaintiffs,)	Case No. 1:10-cv-104-SJM-SPB
)	
v.)	
)	
THE UNITED STATES OF AMERICA,)	
<i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff’s civil rights complaint was received by the Clerk of Court on April 27, 2010 and was 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.

The Magistrate Judge's Report and Recommendation [2], filed on October 8, 2010, recommends that the Plaintiff’s motion for leave to proceed *in forma pauperis* [1] be denied and his complaint be dismissed, pursuant to 28 U.S.C. § 1915(g), without prejudice to Plaintiff’s right to re-open this case upon payment of the \$350.00 filing fee. The parties were allowed fourteen (14) days from the date of service in which to file objections. Service was made on Plaintiff by certified mail at the Stafford Creek Correctional Center in Aberdeen, Washington, where he is currently incarcerated. No objections were filed. After de novo review of the complaint and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 2nd Day of November, 2010;

IT IS ORDERED that the Plaintiff's motion for leave to proceed *in forma pauperis* [1] be, and hereby is, DENIED and his complaint be, and hereby is, DISMISSED, pursuant to 28 U.S.C. § 1915(g), without prejudice to Plaintiff's right to re-open this case upon payment of the \$350.00 filing fee.

The Report and Recommendation of Magistrate Judge Baxter [2], dated October 8, 2010, is adopted as the opinion of this Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record

U.S. Magistrate Judge Susan Paradise Baxter