

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

JOHN R. LILLEY, JR.,

Plaintiff,

v.

**COMMONWEALTH OF
PENNSYLVANIA, et al.**

Defendants.

Case No. 1:21-CV-133

MEMORANDUM ORDER

This action was received by the Clerk of Court on May 7, 2021 and was referred to United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Judge Lanzillo conducted an initial screening on the motion for in forma pauperis and the proposed complaint. He concluded that the proposed complaint lacked a coherent factual narrative, failed to identify the legal basis for any claim, and was unsigned. ECF No. 2. Judge Lanzillo gave Plaintiff an opportunity to submit a pleading that complied with the Federal Rules of Civil Procedure. More importantly, Judge Lanzillo provided Plaintiff with extensive detailed instructions as to how to file an amended complaint. The Court advised that Plaintiff must: identify himself and each of the Defendants; state a basis for jurisdiction; identify the rights under the Constitution, laws, or treaties of the United States that he believes have been violated; provided a factual description as to how each Defendant violated those rights, including, if possible, dates, times, and locations; describe his actual injury; and state the relief he is seeking through this lawsuit.

Thereafter, despite being given over twenty days in which to follow the detailed instructions in Judge Lanzillo's order, Plaintiff filed a proposed amended complaint the following day. ECF No. 3. This complaint also suffered from several factual deficiencies. Judge Lanzillo again gave Plaintiff the opportunity to amend and detailed instructions of how to do so. ECF No. 5.

Two days later, Plaintiff filed the second amended complaint. ECF No. 6. This pleading suffers from many of the same deficiencies as the original and first amended complaints.

On August 23, 2021, Magistrate Judge Lanzillo issued a Report and Recommendation recommending that Plaintiff's motion for leave to proceed in forma pauperis be granted and that this action be dismissed for failure to state a claim upon which relief may be granted. ECF No. 7.

Plaintiff filed Objections to the Report and Recommendation. ECF No. 8. Like all of Plaintiff's prior filings, his objections are difficult to decipher. However, even construing the filing liberally as we must due to Plaintiff's pro se status, none of his objections push Plaintiff any closer to stating legal claim against any Defendant.

Despite two opportunities to amend, detailed instructions on how to do so, and generous amounts of time in which to do so, Plaintiff's filings, even taken together, fail to state a claim upon which relief can be granted.

After *de novo* review of the complaint and documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 7th day of October 2021;

IT IS ORDERED that the motion for leave to proceed in forma pauperis [ECF No. 1] is granted. The Clerk of Court is directed to file the proposed amended complaint.

IT IS FURTHER ORDERED that this action be dismissed in accordance with 28 U.S.C. § 1915A without further leave to amend.

AND, IT IS FURTHER ORDERED that the report and recommendations of Magistrate Judge Lanzillo, issued on August 23, 2021 [ECF No. 7], is adopted as the opinion of the court.

/s/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States District Judge