

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

| | | |
|--|---|------------------------------------|
| CELESTER VAUGHN, II, |) | |
| |) | Civil Action No. 04 - 158 |
| Plaintiff, |) | |
| |) | Judge Thomas M. Hardiman |
| v. |) | Magistrate Judge Lisa Pupo Lenihan |
| |) | |
| Warden, WILLIAM SCHOAPT, CAROL |) | |
| (STEELE) SMITH, Director of Treatment, |) | |
| |) | |
| Defendants. |) | |

ORDER

The above captioned case was initiated on February 5, 2004 by the filing of a Motion to Proceed In Forma Pauperis (Doc. No. 1) accompanied by a Complaint. It was referred to United States Magistrate Judge Ila J. Sensenich for pretrial proceedings 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 case was transferred to Magistrate Judge Lisa Pupo Lenihan on April 6, 2004.

VAUGHN v. SCHOAPT, et al

Doc. 23

The Magistrate Judge's Report and Recommendation (Doc. No. 22), filed on January 4, 2007, recommended that Plaintiff's Complaint (Doc. No. 6) be dismissed in accordance with the Prison Litigation Reform Act, 28 U.S.C. § 1915 (e)(2)(B)(ii) and/or 28 U.S.C. § 1915A for failure to state a claim upon which relief can be granted. The Plaintiff was served at Federal Medical Center, P.O. Box 1600, Butner, NC 27509. The Plaintiff was advised he was allowed ten (10) days from the date of service to file written objections to the report and recommendation. No objections have been filed. After review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 25th day of January, 2007;

IT IS HEREBY ORDERED that Plaintiff's Complaint (Doc. No. 6) is **DISMISSED** in accordance with the Prison Litigation Reform Act, 28 U.S.C. § 1915 (e)(2)(B)(ii) and/or 28 U.S.C. § 1915A for failure to state a claim upon which relief can be granted.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 22) of Magistrate Judge Lenihan, dated January 4, 2007, is adopted as the Opinion of the Court.

Dated:

By the Court:



Thomas M. Hardiman
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

CELESTER VAUGHN, II
07806-068
Federal Medical Center
P.O. Box 1600
Butner, NC 27509