

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

RODERICK F. BAILEY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 09-349
)	Chief Judge Lancaster
U. S. MARSHALS SERVICE, and)	Magistrate Judge Bissoon
MR. RUSTIC, Warden,)	
)	
Defendants.)	

MEMORANDUM ORDER

Roderick F. Bailey’s complaint pursuant to the Federal Tort Claims Act (“FTCA”), 28 U.S.C. § 2671 *et seq.*, was received by the Court on March 23, 2009, and was referred to United States Magistrate Judge Cathy Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules for Magistrates.

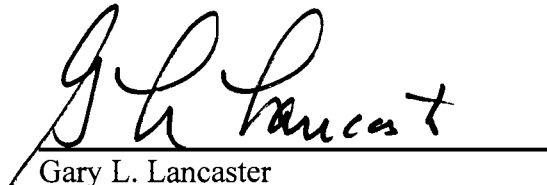
The Magistrate Judge's Report and Recommendation, filed on August 11, 2010, recommended that Defendant Rustic’s Motion to Dismiss (Doc. 26) be granted. A copy of the Report and Recommendation was served on Plaintiff by First Class United States Mail at his place of incarceration. Plaintiff filed objections to the Report and Recommendation on August 31, 2010 (Doc. 41).

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

AND NOW, this 6th day of Oct, 2010,

IT IS HEREBY ORDERED that defendant Rustic's Motion to Dismiss (Doc. 26) is GRANTED and the Report and Recommendation of Magistrate Judge Bissoon (Doc. 40), dated August 11, 2010, is adopted as the opinion of the court.

The Clerk is directed to mark this case CLOSED.



Gary L. Lancaster
Chief United States District Judge

cc: **RODERICK F. BAILEY**, #08934-068
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