

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

ROBERT SIMMS,	)	
	)	
Plaintiff	)	2:09cv1360
	)	Electronic Filing
vs.	)	
	)	Judge David Stewart Cercone/
FAYETTE STATE PRISON,	)	Magistrate Judge Amy Reynolds Hay
Defendant	)	

**MEMORANDUM ORDER**

AND NOW, this 25 day of March, 2010, the Court having received a Complaint [Document No.1] prepared by the Plaintiff, Robert Simms, and issued an Order [Document No. 2] advising Simms that he had failed to submit a complete motion to proceed in forma pauperis with supporting paperwork, or, in the alternative to pay the \$350.00 filing fee, and directing him to do so on or before November 9, 2009, the Plaintiff failed to respond. The Court then filed an Order to Show Cause [Document No.3], returnable on December 23, 2009, directing that the Plaintiff show why this matter should not be dismissed for failure to prosecute. When the Plaintiff again failed to respond, the Court issued a Report and Recommendation [Document No.4] recommending that the matter be dismissed. Objections were due on March 15, 2010. No objections have been filed. Therefore, upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the Opinion of this Court ,

IT IS HEREBY ORDERED that this matter is DISMISSED for failure to prosecute. The Clerk is directed to mark this case CLOSED.



\_\_\_\_\_  
David Stewart Cercone  
United States District Judge

cc: Robert Simms  
HH-8291  
SCI Fayette  
Box 9999  
LaBelle, PA 15450-0999