

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

DANIEL WESLEY,	)	
	)	Civil Action No. 10 - 1194
Plaintiff,	)	
	)	District Judge Joy Flowers Conti
v.	)	
	)	
BOBBY FINLEY, Owner of Phases II	)	
	)	
Defendant.	)	

**MEMORANDUM ORDER**

The above captioned case was initiated on September 9, 2010, by the filing of a motion to proceed *in forma pauperis* accompanied by a civil rights complaint (ECF No. 1). The case was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72.C.2 of the Local Rules.

The magistrate judge's report and recommendation (ECF No. 6) filed on October 28, 2010, recommended that the complaint be dismissed with prejudice in accordance with the directives of the Prison Litigation Reform Act under 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim upon which relief may be granted under 42 U.S.C. § 1983. Plaintiff filed objections on November 2, 2010 (ECF No. 7). Plaintiff's objections do not address the deficiencies noted by the magistrate judge and do not undermine the recommendation of the magistrate judge.

After a *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 16th day of November, 2010;

**IT IS HEREBY ORDERED** that the complaint is **DISMISSED** with prejudice in accordance with the directives of the Prison Litigation Reform Act under 28 U.S.C. § 1915(e)(2)(B)

for failure to state a claim upon which relief may be granted under 42 U.S.C. § 1983.

**IT IS FURTHER ORDERED** that the report and recommendation (ECF No. 6) dated October 22, 2010, is **ADOPTED** as the opinion of the court.

**IT IS FURTHER ORDERED** that the Clerk of Court mark this case **CLOSED**.

**AND IT IS FURTHER ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

/s/ Joy Flowers Conti  
Joy Flowers Conti  
United States District Judge

cc: Daniel Wesley  
GB-0430  
SCI Coal Township  
1 Kelley Drive  
Coal Township, PA 17866-1021