

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

DOMINIC JOSEPH ABBOTT,)	
)	Civil Action No. 10 - 1285
Plaintiff,)	
)	
v.)	District Judge Donetta W. Ambrose
)	
COMMONWEALTH OF PENNSYLVANIA)	
DEPARTMENT OF CORRECTIONS;)	
ATTORNEY FOR COMMONWEALTH;)	
ATTORNEY ROBERT E. STEWART;)	
CLERK CAROL A. MOSS; ALLEGHENY)	
COUNTY LAWYER AND PUBLIC)	
DEFENDERS OFFICE,)	
)	
Defendants.)	

MEMORANDUM ORDER

On July 1, 2010, the above captioned case was filed in this Court and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings 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.

The magistrate judge filed a report and recommendation on November 12, 2010 (ECF No. 11) recommending that the Complaint be dismissed in accordance with 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief can be granted under 42 U.S.C. § 1983. Plaintiff filed written objections on December 3, 2010 (ECF No. 12). The objections do not undermine the recommendation of the magistrate judge.

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 3rd day of January, 2011, ~~December, 2010~~;

IT IS HEREBY ORDERED that this action is **DISMISSED** in accordance with 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief can be granted under 42 U.S.C. § 1983.

IT IS FURTHER ORDERED that the report and recommendation (ECF No. 11) dated November 12, 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:



Donetta W. Ambrose
United States District Judge

cc: Dominic Joseph Abbott
GB - 5800
S.C.I. Graterford
Box 244
Graterford, PA 19426 - 0244