

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

RICHARD E. BOYD,)
) Civil Action No. 10 – 1492
Plaintiff,)
) Chief District Judge Gary L. Lancaster
v.)
) Magistrate Judge Lisa Pupo Lenihan
GOVERNOR EDWARD RENDELL,)
)
Defendant.)
)
)
)

MEMORANDUM ORDER

The above captioned case was initiated by the filing of a Motion to Proceed *In Forma Pauperis* (ECF No. 1) on November 8, 2010, 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.

On November 30, 2010, the magistrate judge filed a Report and Recommendation recommending that the Complaint be dismissed for failure to state a claim upon which relief may be granted (ECF No. 6). Plaintiff filed Objections to the Report and Recommendation on December 22, 2010 (ECF Nos. 8&9). Plaintiff's 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 27th day of December, 2010;

IT IS HEREBY ORDERED that Plaintiff's Complaint 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(b) for failure to state a claim upon which relief may be granted.

IT IS FURTHER ORDERED that the Report and Recommendation dated November 30, 2010 (ECF. No. 6) , 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:



Gary L. Lancaster
United States District Judge, Chief

cc: Richard E. Boyd, EP-5703
S.C.I. Fayette
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50 Overlook Drive
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