

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

ISMAEL ACEVEDO ORTIZ,	)	
Plaintiff,	)	Civil Action No. 10-1753
	)	
v.	)	Chief District Judge Gary L. Lancaster/
	)	Magistrate Judge Maureen P. Kelly
DANIEL JEROME BAIRD, ET AL,	)	
Defendants.	)	

**MEMORANDUM ORDER**

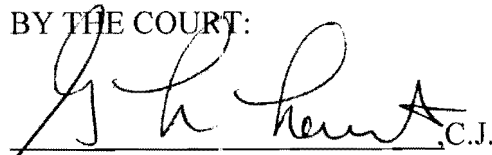
The record in this case indicates that the above captioned case was initiated by the filing of a motion to proceed *in forma pauperis* (ECF No. 1) on December 29, 2010, and was referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the local rules of this court.

On February 15, 2013, the Magistrate Judge filed a Report and Recommendation (ECF No. 50) recommending that the Motion for Summary Judgment filed by Defendants (ECF No. 43) be granted. Plaintiff was served with the Report and Recommendation at his address of record and was advised that he was permitted to file written objections, in accordance with the schedule established in the docket entry reflected by the filing of the Report and Recommendation, with the Clerk of Court. That deadline was later extended to March 25, 2013. No objections were filed by that date and consequently, on March 26, 2013, I entered separate orders granting defendants' Motion for Summary Judgment, adopting the Report and Recommendation as the opinion of the Court, and closing the instant case (ECF No. 52), and granting final judgment to defendants in this action (ECF No. 53).

Present before the Court is plaintiff's "Motion Objection to Magistrate Maureen P. Kelly's Report & Recommendation" (ECF No. 54), which the Court will construe as plaintiff's objections to the Magistrate Judge's Report and Recommendation. These objections do not undermine the recommendation of the Magistrate Judge.

Therefore, after a second *de novo* review of the pleadings and documents in this case, together with the Report and Recommendation, and the delinquent objection thereto, **IT IS HEREBY ORDERED**, this 20<sup>TH</sup> day of March, 2013, that the orders of March 26, 2013 (ECF Nos. 52 and 53) are **CONFIRMED**. Defendants' Motion for Summary Judgment (ECF No. 43) is granted and the Report and Recommendation (ECF. No. 50), dated February 15, 2013, is adopted as the Opinion of the Court.

**IT IS FURTHER ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order, a notice of appeal, as provided by Fed.R.App.P.3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

BY THE COURT:  
  
Hon. Gary L. Lancaster  
Chief United States District Judge

cc: Hon. Maureen P. Kelly,  
United States Magistrate Judge

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All Counsel of Record by electronic filing