

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

ROBERT LEE MANGELLO,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 11-1029 Pittsburgh
v.	)	
	)	
STATE TROOPER EARL ROBERTS,	)	
et al.,	)	
	)	
Defendants.	)	

MEMORANDUM ORDER

This action was received by the Clerk of Court on August 10, 2011 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 4], filed on November 1, 2011, recommended that the complaint be dismissed as frivolous and that the Plaintiff's motion for leave to proceed *in forma pauperis* be dismissed as moot. Plaintiff was allowed fourteen (14) days from the date of service to file objections and no objections were filed. After de novo review of the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 22<sup>nd</sup> day of November, 2011;

IT IS HEREBY ORDERED that the complaint is DISMISSED as frivolous and Plaintiff's motion for leave to proceed *in forma pauperis* is DISMISSED as moot.

The Report and Recommendation [ECF No. 4] of Magistrate Judge Baxter, filed on November 1, 2011, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge