

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

FREDERICK BANKS,	)	
	)	
Plaintiff,	)	Civil Action No. 2:13-cv-1350
	)	
v.	)	Judge Nora Barry Fischer
	)	Chief Magistrate Judge Lisa Pupo
DUQUESNE LIGHT CO., <i>et al.</i> ,	)	Lenihan
	)	
Defendants.	)	
	)	
	)	
	)	

**MEMORANDUM ORDER**

Plaintiff commenced this civil action on July 26, 2013 in the United States District Court for the Middle District of Pennsylvania at Case No. 4:13-cv-2017. The Middle District granted Plaintiff's Motion for Leave to Proceed In Forma Pauperis, and transferred the case to this District on September 16, 2013. The case was referred to Chief 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 Local Rules of Court 72.C and 72.D.

After conducting an initial screening of the Complaint pursuant to 28 U.S.C. §1915(e)(2), the Magistrate Judge filed her Report and Recommendation (ECF No. 6) on November 4, 2013, in which she recommended that Plaintiff's Complaint for Writ of Mandamus and Complaint for damages under the Sioux Treaty of Fort Laramie and the Northwest Ordinance (ECF No. 1) be dismissed with prejudice pursuant to 28 U.S.C. §1915(e)(2)(B)(i) & (ii). Service of the Report and Recommendation was made on

Plaintiff at his address of record, P.O. Box 4203, Pittsburgh, PA 15203, as well as at #057-11068, North East Ohio Correctional Center, 2240 Hubbard Road, Youngstown, OH 44505. Plaintiff was informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that he had fourteen (14) days to file any objections. Plaintiff filed Objections (ECF No. 7) to the Report and Recommendation on November 13, 2013.

After a de novo review of the pleadings and documents in the case, together with the Report and Recommendation and objections thereto, the following Order is entered:

**AND NOW**, this 14<sup>th</sup> day of November, 2013,

**IT IS HEREBY ORDERED** that the Complaint for Writ of Mandamus and Complaint for damages under the Sioux Treaty of Fort Laramie and the Northwest Ordinance filed by Plaintiff Frederick Banks (ECF No. 1) is **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. §1915(e)(2)(B)(i) and (ii).

**IT IS FURTHER ORDERED** that the Report and Recommendation (ECF No. 6) of Chief Magistrate Judge Lenihan, dated November 4, 2013, is adopted as the opinion of the Court.

BY THE COURT:

s/Nora Barry Fischer  
NORA BARRY FISCHER  
United States District Judge

cc: Frederick Banks  
P.O. Box 4203  
Pittsburgh, PA 15203  
*Via First Class Mail*

Frederick Banks  
USMS # 057-11068  
North East Ohio Correctional Center  
2240 Hubbard Road  
Youngstown, OH 44505  
Via U.S. First Class Mail