

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


FREDERICK BANKS,)	
)	
Plaintiff,)	Civil Action No. 2:15-cv-700
)	
v.)	Judge David Stewart Cercone
)	Magistrate Judge Lisa Pupo Lenihan
TIMOTHY PIVNICHNY, <i>et al.</i> ,)	
)	
Defendants.)	ECF No. 1

MEMORANDUM ORDER

Plaintiff commenced this civil action on May 29, 2015 by filing a Motion for Leave to Proceed *in forma pauperis* (ECF No. 1) on Form AO 240 (Rev. 7/10) Application to Proceed in District Court Without Prepaying Fees or Costs, along with a copy of the Complaint and Civil Cover Sheet. The case 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 Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (ECF No. 2), filed on June 2, 2015, recommended that Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* be denied. Service of the Report and Recommendation was made via First Class Mail on Frederick Banks at his address of record, U.S. Steel Tower, 600 Grant Street, Suite 660, Pittsburgh, PA 15219. 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 has not filed any Objections to the Report and Recommendation (ECF No. 2) as of this date.

Therefore, after a *de novo* review of the motion for leave to proceed *in forma pauperis* and attachments thereto, together with the Report and Recommendation, the following Order is entered: 

AND NOW, this 24th day of June, 2015,

IT IS HEREBY ORDERED that the Motion for Leave to Proceed *In Forma Pauperis* filed by Plaintiff Frederick Banks (ECF No. 1) is **DENIED**, and the Clerk of Court is directed to mark this case **CLOSED**.

IT IS FURTHER ORDERED that if Plaintiff Frederick Banks wishes to continue to pursue this civil action, he must file a motion to reopen the case and submit either the required certification statement or the \$400 filing fee.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 2) of Magistrate Judge Lenihan, dated June 2, 2015, is adopted as the opinion of the Court.



DAVID STEWART CERCONE
United States District Judge

cc: Frederick Banks
U.S. Steel Tower
600 Grant Street
Suite 660
Pittsburgh, PA 15219
Via First Class Mail