

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

HAMILTON BROWN,)	
)	
Plaintiff,)	Civil Action No. 2:15-cv-1154
)	
v.)	District Judge David Stewart Cercone
)	Magistrate Judge Lisa Pupo Lenihan
HONORABLE ROBERT LUTTY, <i>et</i>)	
<i>al.</i> ,)	ECF Nos. 2, 3 & 5
)	
Defendants.)	
)	

MEMORANDUM ORDER

The Complaint in the above captioned case was originally filed in Middle District of Alabama and subsequently transferred to this Court on September 9, 2015. This case was then 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. 5), filed on November 16, 2015, recommended that the Order granting the Motion for Leave to Proceed in Forma Pauperis (ECF No. 3) be vacated and the motion denied, and that the Clerk of Court mark the case closed. Service of the Report and Recommendation (ECF No. 5) was made on Plaintiff at his address of record via U.S. Mail. 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. On November 30, 2015, the Report and Recommendation that was previously mailed to Plaintiff on November 16, 2015 was returned to the Court with the

notation "RTS moved". As a result, on December 4, 2015, by text order the Court extended the deadline for filing objections until December 18, 2015 (ECF No. 6), and mailed a copy of the Report and Recommendation (ECF No. 5) and text order (ECF No. 6) to Plaintiff at his address of record, as well as to Frederick Banks at #120759, Allegheny County Jail, 950 Second Avenue, Pittsburgh, PA 15219. To date, no objections have been filed.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 6th day of January, 2016

IT IS HEREBY ORDERED that the Order granting the Motion for Leave to Proceed in Forma Pauperis filed by Plaintiff Hamilton Brown (ECF No. 3) is **VACATED**.

IT IS FURTHER ORDERED that the Motion for Leave to Proceed in Forma Pauperis filed by Plaintiff Hamilton Brown (ECF No. 2) is **DENIED**. The Clerk of Court is directed to mark this case **CLOSED**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 5) of Magistrate Judge Lenihan, dated November 16, 2015, is adopted as the opinion of the Court.



DAVID STEWART CERCONO
United States District Judge

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

Frederick Banks
#120759
Allegheny County Jail
950 Second Avenue
Pittsburgh, PA 15219
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