

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

TRAVIS CONKLIN, Plaintiff,
v.
SERGEANT STEELEY, et al, Defendants.

C.A. No. 2:16-cv-88

Conti, Chief District Judge.

MEMORANDUM OPINION

This civil rights action was commenced by plaintiff Travis Conklin ("Plaintiff") and received by the Clerk of Court on January 20, 2016. It was referred to a United States Magistrate Judge. The Commonwealth Defendants moved to dismiss the claims against them (ECF No. 13.) In accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges, the magistrate judge filed a report and recommendation on October 5, 2016, recommending that the Commonwealth Defendants' motion to dismiss be granted. It was further recommended that Plaintiff's claim against Defendant Attorney James P. Miller ("Miller") be dismissed as frivolous, pursuant to the authority granted to courts by the Prison Litigation Reform Act, and that this case be dismissed in its entirety.

Service was made on Plaintiff at SCI Pittsburgh, where he is incarcerated, and on Defendants. Plaintiff on October 13, 2016, filed a document in which he did not specifically

object to the magistrate judge's recommendations that the motion to dismiss be granted or the claim against Miller be dismissed as frivolous. Plaintiff simply asked this court to "entertain a motion in opposition" because he asserts that discovery will show he has claims against the defendants. The motion to dismiss must be granted because Plaintiff failed to set forth sufficient facts for the court to determine his complaint set forth a plausible claim. Plaintiff made no valid objection and this court will adopt the report and recommendation.

After de novo review of the petition and documents in the case, together with the report and recommendation and document filed by Plaintiff in response thereto, an appropriate order will be entered.

Dated: November 30, 2016

/s/ Joy Flowers Conti
Joy Flowers Conti
Chief United States District Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge

all parties of record _____