

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

|                         |   |                                    |
|-------------------------|---|------------------------------------|
| FREEMAN WILLIAM MAY,    | ) |                                    |
|                         | ) | Civil Action No. 16 – 130          |
| Plaintiff,              | ) |                                    |
|                         | ) | District Judge Nora Barry Fischer  |
| v.                      | ) | Magistrate Judge Lisa Pupo Lenihan |
|                         | ) |                                    |
| HONORABLE JUDGE JOHN C. | ) |                                    |
| TYWALK, <i>et al.</i> , | ) |                                    |
|                         | ) |                                    |
| Defendants.             | ) |                                    |

**ORDER**

AND NOW, this 3<sup>rd</sup> day of March, 2016, after Plaintiff Freeman William May having filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge giving Plaintiff until February 22, 2016 to file written objections thereto, and no Objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge’s Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), the Complaint is dismissed for failure to raise a claim that is cognizable in a civil rights action.

IT IS FURTHER ORDERED that Plaintiff’s claim for damages is denied pursuant to Heck v. Humphrey, 512 U.S. 477 (1994).

IT IS FURTHER ORDERED that the Clerk of Court mark this case CLOSED.

AND IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if Plaintiff wishes to appeal from this Order a notice of appeal, as provided

in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

By the Court:

s/Nora Barry Fischer  
Nora Barry Fischer  
United States District Judge

cc: Honorable Lisa Pupo Lenihan  
United States Magistrate Judge

Freeman William May  
AK-7516  
SCI Coal Township  
1 Kelley Drive  
Coal Township, PA 17688-1021