

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

Dwayne Thompson, individually, and on
behalf of his minor daughter "RMT" and
Pamela McDeavitt,

Plaintiffs,

v.

Kathryn M. Hens-Greco; Kimberly Berkeley
Clark, Krista Abram; Shane Mock; Jonathon
Voelker; Pernille Frankmar; Voelker &
Colton, LLC; Lauren Darbouze; Reserve
Township Police; Brian Tully; Fred Boory Jr;
Pittsburgh Municipal Court; Barbara Clements;
Allegheny County; Patrick Quinn; Christopher
Connors; Geraldine M. Redic; Claire Capristo;
Allegheny County Sheriff's Department;
Anthony Fratto; Holly Zemba; Allegheny County
Department of Court Records; Allegheny County
Office of Children and Youth Services;
Bruce Noel; Brynn Alpee; McKeesport Area
School District; Fifth Judicial District; and
John and Jane Does, 1-10,

Defendants.

2:16cv1100

Electronic Filing

District Judge Cercone

Magistrate Judge Lenihan

ECF Nos. 13 & 23

MEMORANDUM ORDER

Plaintiff delivered his Complaint to the clerk of courts for the United States District Court for the Western District of Pennsylvania on July 25, 2016. The original Complaint was filed on July 26, 2016, and 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 Rules 72.C and 72.D of the Local Rules of Court. Plaintiffs' Verified Amended Joinder Complaint was filed on October 24, 2016. (ECF No. 13.)

The Magistrate Judge's Report and Recommendation (ECF No. 23) filed on November 8, 2016, recommended, sua sponte pursuant to Federal Rule of Civil Procedure 12(f), that Plaintiffs' Verified Amended Joinder Complaint (ECF No. 13) be dismissed without prejudice and that Plaintiffs be granted leave to amend this Complaint to conform with the requirements of Federal Rules of Civil Procedure 8(a)(2), 8(d)(1), and 10(b) as described in the Magistrate Judge's Report and Recommendation. It was further recommended that Plaintiffs be given 20 days from the date of an order adopting the Report and Recommendation to file a Second Amended Complaint in compliance with the requirements of Rules 8(a)(2), 8(d)(1), and 10(b), should they wish to proceed with this civil action. Service was made on all counsel of record and the pro se Plaintiffs. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Local Rule of Court 72.D.2, they had fourteen (14) days from the date of service to file objections to the Report and Recommendation. No objections were 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 2nd day of December, 2016, it is hereby **ORDERED** that Plaintiffs' Verified Amended Joinder Complaint (ECF No. 13) **IS DISMISSED WITHOUT PREJUDICE** and that Plaintiffs are granted leave to amend this Complaint to conform with the requirements of Federal Rules of Civil Procedure 8(a)(2), 8(d)(1), and 10(b) as described in the Magistrate Judge's Report and Recommendation.

IT IS FURTHER ORDERED that Plaintiffs shall file a Second Amended Complaint in compliance with the requirements of Rules 8(a)(2), 8(d)(1), and 10(b) **ON OR BEFORE DECEMBER 23, 2016 SHOULD THEY WISH TO PROCEED WITH THIS CIVIL**

ACTION. If Plaintiffs fail to file a Second Amended Complaint by this date, the Court will, without further notice, **DISMISS THE VERIFIED AMENDED JOINDER COMPLAINT (ECF NO. 13) WITH PREJUDICE.**

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 23) of Magistrate Judge Lenihan, dated November 8, 2016, is adopted as the Opinion of the Court.

s/ DAVID STEWART CERCONE

David Stewart Cercone
United States District Judge

cc: Dwayne Thompson
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(Via First Class Mail)

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Pittsburgh, PA 15209
(Via First Class Mail)

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