

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

MEMORANDUM ORDER

The above captioned case was initiated on March 1, 2017, and was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the local rules of court. The motion to proceed *in forma pauperis* was granted on March 13, 2017 (ECF No. 2) and the complaint was filed the same day. (ECF No. 3).

On March 15, 2017, the Magistrate Judge filed a Report and Recommendation (ECF No. 4) recommending that the Complaint be dismissed with prejudice in accordance with the screening provisions promulgated in the Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2) and 28 U.S.C. § 1915A for failure to state a claim upon which relief can be granted. The Report and Recommendation was mailed to Plaintiff at his listed address of record and he was advised that he had until April 3, 2017, to file written objections to the Report and Recommendation. To date, no objections have been filed nor has Plaintiff sought an extension in time in which to do so.

After *de novo* review of the pleadings and documents in this case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 12th day of April, 2017:

IT IS ORDERED that the Complaint is **DISMISSED** with prejudice in accordance with the screening provisions promulgated in the Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2)(B)(ii) and 28 U.S.C. § 1915A for failure to state a claim upon which relief can be granted and it would be futile to allow Plaintiff the opportunity to amend.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 4) dated March 15, 2017, is **ADOPTED** as the Opinion of the Court.

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, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

BY THE COURT:

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

cc: NATHAN HOYE
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