

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

ANTHONY McNEIL, :  
Plaintiff, :  
v. : Case No. 2:17-cv-578-KAP  
MR. GRIM, et al., :  
Defendants :

Memorandum Order

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636, and Local Civil Rule 72 for Magistrate Judges.

The Magistrate Judge, after screening the complaint as required by 28 U.S.C. § 1915A, filed a Report and Recommendation on May 9, 2017, ECF no. 2, recommending that the complaint be dismissed for failure to state a claim, but with leave to amend. After screening the amended complaint, the Magistrate Judge filed a Report and Recommendation on July 21, 2017, ECF no. 11, recommending that the complaint be dismissed for failure to state a claim without further leave to amend.

The plaintiff was notified that pursuant to 28 U.S.C. § 636(b)(1), he had fourteen days to file objections. Plaintiff filed what he titled as an "Amended Complaint," which I have reviewed de novo under 28 U.S.C. § 1915A. The proposed amended complaint suffers from the same defects the Reports and Recommendations noted in the previous versions.

Upon *de novo* review of the record in this matter, the Reports and Recommendations, and the proposed amended complaint at ECF no. 12, the following order is entered:

AND NOW, this 26<sup>th</sup> day of September, 2017, it is

ORDERED that the Amended Complaint is dismissed for failure to state a claim. The Reports and Recommendations, as relevant, are adopted as the opinion of the Court. No further leave to amend is granted. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice by U.S. Mail to:

Anthony McNeil FK-8759  
S.C.I. Greene  
175 Progress Drive  
Waynesburg, PA 15370