

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

| | | |
|--|---|---|
| ANTHONY J. SCICCHITANO, JR., |) | |
| |) | 2:17cv976 |
| Plaintiff, |) | Electronic Filing |
| |) | |
| v. |) | Judge David Stewart Cercone/ |
| |) | Chief Magistrate Judge Maureen P. Kelly |
| UNIONTOWN POLICE DEPARTMENT; And CITY OF UNIONTOWN, |) | |
| |) | |
| Defendants. |) | Re: ECF No. 1 |

ORDER

Anthony J. Scicchitano (“Plaintiff”) is currently incarcerated in the State Correctional Institution in Albion (“SCI-Albion”). Plaintiff sought leave to proceed in forma pauperis in order to file a civil rights complaint in this Court, naming as defendant both the Uniontown Police Department and the City of Uniontown for actions or inactions occurring in 2008 to 2009. ECF No. 1-1 ¶ IV.A; ECF No. 1-2 ¶ IV.A.

The case was referred to Chief Magistrate Judge Maureen Kelly in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Civil Rules 72.C and D.

Chief Magistrate Judge Kelly’s Report and Recommendation (the “Report”), ECF No. 2, filed on July 28, 2017, recommended that pursuant to the Prison Litigation Reform Act, the IFP Motion be denied because Plaintiff has “three strikes” and the Complaint does not reveal the requisite danger of serious physical injury. Plaintiff was informed that he could file Objections to the Report by August 14, 2017. No Objections have been filed.

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

AND NOW, this ^{5th} day of September, 2017;

IT IS HEREBY ORDERED that the Motion for Leave to Proceed in Forma Pauperis is DENIED. Plaintiff is ORDERED to pay the entire filing fee of \$400.00 by September 14, 2017. Failure to pay the entire filing fee by September 14, 2017, will result in the dismissal of this civil action for failure to prosecute without further warning.



David Stewart Cercrone
United States District Judge

cc: The Honorable Maureen P. Kelly
Chief United States Magistrate Judge

Anthony J. Scicchitano, Jr.
KB-9484
S.C.I. Fayette
BC-2
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(Via First Class Mail)