

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

AMBROSIO ROUSE,

Plaintiff,

17cv1454

ELECTRONICALLY FILED

v.

THE CITY OF PITTSBURGH *a municipal
corporation*, ET AL.,

Defendants.

Order Adopting Report and Recommendation and Closing Case

On October 3, 2018, United States Magistrate Judge Cynthia Reedy Eddy, issued a Report and Recommendation wherein she recommended that this Court dismiss Plaintiff's claims against the two remaining Defendants, Devlin's Point Apartment and James A. West, Jr. with prejudice for failure to prosecute, and that sanctions be imposed for Defendants' costs and attorneys' fees in preparing for the Initial Case Management Conference, and the show cause hearing on October 2, 2019, neither of which Plaintiff attended or participated in, despite having clear notice of such. ([Doc. 85](#)).

The Court notes that objections to the Report and Recommendation were due by October 22, 2018. As of this date, this Court has received none. This Court has reviewed this matter and concludes that the Report and Recommendation makes a sound recommendation. Accordingly, after *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

IT IS HEREBY ORDERED that after consideration of the *Poulis* factors (as more fully set forth in [doc. 90](#)), and the history of Plaintiff's noncompliance with Court Orders and nonappearance at hearings in this matter, the Court dismisses this action with prejudice for

Plaintiff's failure to prosecute. The Court therefore affirms the Report and Recommendation and adopts the Report and Recommendation as the Opinion of this Court and concludes also that sanctions are appropriate in this case. The Court further notes that Plaintiff again failed to respond to said Motion for Attorney's Fees by October 17, 2018, despite notice of such.

The Court hereby GRANTS Defendant's Motion for Attorney Fees and Costs ([doc. 92](#)), and finds that the amount requested of \$1,140.00 in attorney's fees and expenses in preparation for the Initial Case Management Conference, and the Show Cause hearing, and the attendance at these proceedings, which was itemized in Exhibit A ([doc. 92-1](#)) as 5.70 hours at a rate of \$200.00 per hour, is reasonable, and is an appropriate sanction under these circumstances.

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

BY THE COURT:

s/Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: Honorable Cynthia Eddy
United States Magistrate Judge
via electronic filing

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