

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

ANTHONY EAVES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 18-52
	)	Judge Nora Barry Fischer/
CITY OF MCKEESPORT POLICE DEPT., MR.	)	Chief Magistrate Judge Maureen P. Kelly
JOSEPH OSINSKI, JENNIFER EDWARDS,	)	
	)	
Defendants.	)	

**ORDER OF COURT**

AND NOW, this 27<sup>th</sup> day of February, 2018, after Plaintiff Anthony Eaves (“Plaintiff”) filed a Complaint in the above-captioned matter, (Docket No. [3]), and after a Report and Recommendation was filed by Chief United States Magistrate Judge Maureen P. Kelly giving Plaintiff until February 20, 2018 to file written objections thereto, (Docket No. [4]), and upon consideration of the Objections filed by Plaintiff, (Docket No. [5]), which this Court finds to be without merit, and upon independent review of the record, and consideration of the Magistrate Judge’s Report and Recommendation, (Docket No. [4]), which is ADOPTED as the Opinion of this Court,

IT IS HEREBY ORDERED that Plaintiff’s Complaint [3] is DISMISSED pursuant to 28 U.S.C. § 1915(e) for failure to state a claim and as it is a frivolous, repetitious lawsuit to the prior lawsuit filed by Plaintiff at Civil Action No. 17-886 which was dismissed by the Court for failure to state a claim, and from which no timely appeal was taken by the Plaintiff making such decision final,

IT IS FURTHER ORDERED that leave to amend the Complaint is DENIED, as any amendment of Plaintiff’s Complaint would be futile;

IT IS FURTHER ORDERED that the Clerk of Court shall mark this CASE CLOSED;

and,

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

By the Court:

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

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

Anthony Eaves  
903 Watson Street  
Pittsburgh, PA 15219