

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

JERMONE JUNIOR WASHINGTON,)	
)	Civil Action No. 18 – 343
Plaintiff,)	
)	District Judge Joy Flowers Conti
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
SUPERINTENDENT GILMORE, LT.)	
BRAUNLICH,)	
)	
Defendants.)	

MEMORANDUM ORDER

Pending before the Court is a Complaint submitted for filing by Plaintiff Jerome Junior Washington on March 15, 2018. (ECF Nos. 1, 5.) The Complaint was referred to United States Magistrate Judge Lisa Pupo Lenihan pursuant to the Magistrate Judge’s Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court.

On July 30, 2019, a Report and Recommendation (“R&R”) was filed by the Magistrate Judge recommending that pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii), the Court *sua sponte* dismiss with prejudice Defendant Gilmore and that the remaining claim in this case be dismissed without prejudice as duplicative to claim seven in Civil Action No. 17-988. (ECF No. 41.) The R&R was served on all parties with a written objections deadline for unregistered ECF users set for August 16, 2019, and, as of today, no objections have been filed. Accordingly, after careful *de novo* review of the record and consideration of the Magistrate Judge’s R&R, the following order is now entered.

AND NOW, this 4th day of September, 2019;

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 41) is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii), Defendant Gilmore is *sua sponte* dismissed from this action with prejudice.

IT IS FURTHER ORDERED that the remaining claim in this case is dismissed without prejudice because it is duplicative to claim seven at Civil Action No. 17-988.

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/ Joy Flowers Conti
Joy Flowers Conti
Senior United States District Judge

Cc: Jerome Junior Washington
HV0282
175 Progress Dr.
Waynesburg, PA 15370

Counsel of record
(Via CM/ECF electronic mail)