

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

ANTONIO PEARSON, :  
Plaintiff :  
v. :Case No. 3:09-cv-54-KRG-KAP  
SECRETARY BEARD, 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(b)(1), and Local Rule 72 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on March 21, 2011, docket no. 17, screening the amended complaint under 28 U.S.C. § 1915A and recommending that some defendants be dismissed and others served with the amended complaint. The plaintiff was notified that, pursuant to 28 U.S.C. § 636(b)(1), he had fourteen days to file written objections to the Report and Recommendation. After one extension of time was granted and a second one denied, plaintiff filed untimely objections. Meanwhile, the matter proceeded to service on the remaining defendants, who filed a motion to dismiss, docket no. 46. The Magistrate Judge filed a Report and Recommendation on December 10, 2012, docket no. 50, noting that plaintiff had not filed a reply to the motion to dismiss and recommending that the remaining defendants' motion to dismiss be granted.

The parties were notified that, pursuant to 28 U.S.C. § 636(b)(1), they had fourteen days to file written objections to the

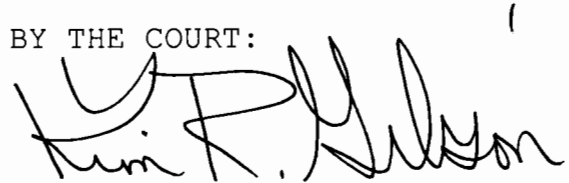
Report and Recommendation. No objections have been filed and the time to do so has expired.

After review of the record and the Reports and Recommendations and noting the lack of timely objections, the following order is entered:

AND NOW, this 8<sup>th</sup> day of January, 2013, it is

ORDERED that the moving defendants' motion to dismiss, docket no. 46, is granted. The Reports and Recommendations are adopted as the opinion of the Court. Plaintiff's complaint is dismissed without leave to amend. 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 to counsel of record by ECF and by U.S. Mail to:

Antonio Pearson BL-0521  
S.C.I. Coal Township  
1 Kelley Drive  
Coal Township, PA 17866-1021