

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

CARL WHITEHEAD,

Plaintiff,

v.

GERALD ROZUM; *ET AL.*,

Defendants.

)
)
)
) Civil Action No. 3:11-102
) District Judge Kim R. Gibson
)
)
)
)
)
)

MEMORANDUM ORDER

The above captioned case was initiated by the filing of a motion to proceed *in forma pauperis* (ECF No. 1) on April 11, 2011, and was referred to a United States magistrate judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the local rules of court.

On August 7, 2012, the Magistrate Judge filed a Report and Recommendation (ECF No. 26) recommending that Defendants' Motion to Dismiss (ECF No. 12) be granted. Plaintiff filed Objections to the Report and Recommendation on September 20, 2012 (ECF No. 29). Plaintiff's Objections do not undermine the recommendation of the Magistrate Judge.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, and the Objections thereto, the following order is entered.

AND NOW, this 24th day of September, 2012;

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss (ECF No. 12) is **GRANTED** and it would be futile to allow Plaintiff the opportunity to amend.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF. No. 26) dated August 7, 2012, is **ADOPTED** as the Opinion of the Court.

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:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

Kim R. Gibson
United States District Judge

Carl Whitehead
EK 5805
SCI Somerset
1600 Walters Mill Road
Somerset, PA 15510