

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

BILAL WASHINGTON,) Civil Action No. 3:16-cv-00123
Plaintiff,)
v.) United States District Judge
PENNY LUCUS, *et al.*,) Kim R. Gibson
Defendants.)

MEMORANDUM ORDER

This case was commenced on June 6, 2016, and was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges. Upon Plaintiff's compliance with the statutory requirements, his motion to proceed *in forma pauperis* was granted on July 13, 2016. (ECF No. 7.)

Defendants filed a motion to dismiss (ECF No. 22) arguing that the Amended Complaint should be dismissed for failure to state a claim, to which Plaintiff responded in opposition (ECF No. 25). On March 1, 2017, Magistrate Judge Eddy filed a Report and Recommendation (ECF No. 27) recommending that Defendants' motion to dismiss be granted. Plaintiff was served with the Report and Recommendation at his listed address and was advised that he had until March 20, 2017, to file written objections to the Report and Recommendation. To date, Plaintiff has not filed any objections nor has he sought an extension of time in which to do so.

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

AND NOW, this 28th day of March, 2017:

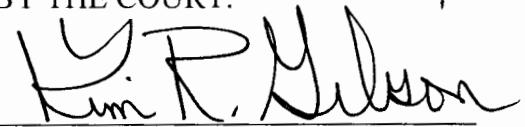
1. Defendants' motion to dismiss (ECF No. 22) is **GRANTED**; and

2. **IT IS FURTHER ORDERED** that the Report and Recommendation (ECF No. 27) dated March 1, 2017, 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:



Kim R. Gibson
United States District Judge

cc: BILAL WASHINGTON
DN-6273
SCI Somerset
1600 Walters Mill Road
Somerset, PA 15510
(via U.S. First Class Mail)

Mary Lynch Friedline
Office of Attorney General
(via ECF electronic notification)

Timothy Mazzocca
Office of Attorney General
(via ECF electronic notification)