

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

BILAL WASHINGTON,)	
)	
Plaintiff,)	3:16-CV-00259-KRG
)	
vs.)	
)	
HAROLD D. HOFFMANN, CO1, D.O.C.)	
STAFF;)	
)	
Defendant,)	

MEMORANDUM ORDER

KIM R. GIBSON, United States District Judge.

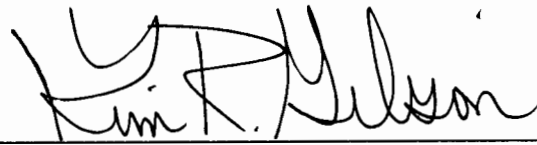
The present action was initiated in this court on December 12, 2016. The case was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with Magistrate Judges Act, 28 U.S.C. § 636(b)(1) and Local Rules of Court 72.C and 72.D. The defendant moved to dismiss the complaint for failure to state a claim pursuant to Federal Rules of Civil Procedure 12(b)(6). The magistrate judge’s report and recommendation filed September 25, 2017 recommended that defendant’s motion be granted and the complaint be dismissed with prejudice, as amendment would be futile. Service of the report and recommendation was made on all parties. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Local Rule of Court 72.D.2 they had until October 10, 2017 to file objections, and unregistered users of ECF had until October 12, 2017 to file objections. Plaintiff filed objections to the report and recommendation on October 3, 2017. After a review of said objections, the court finds that they are without merit.

Accordingly, after a *de novo* review of the pleadings and documents in this case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 6th day of October, 2017, IT IS HEREBY ORDERED that defendant's motion to dismiss [ECF No. 20] is GRANTED and Plaintiff's complaint is dismissed with prejudice, as amendment would be futile.

IT IS FURTHER ORDERED that the report and recommendation [ECF No. 34] of Magistrate Judge Cynthia Reed Eddy is hereby adopted as the Opinion of the District Court.

BY THE COURT:



Kim R. Gibson
United States District Judge

cc: The Honorable Cynthia Reed Eddy
United States District Court
Western District of Pennsylvania
via CM-ECF electronic filing

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