

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

PATRICK DAVIS, :
Plaintiff, :
v. : Case No. 3:17-cv-174-KRG-KAP
JANET PEARSON, et al., :
Defendants :

Memorandum Order

The pleading at ECF no. 22 docketed as a motion by the plaintiff to vacate the judgment in this case was referred to Magistrate Judge Keith A. Pesto in accordance with the Magistrates Act, 28 U.S.C. § 636 and Local Civil Rule 72.

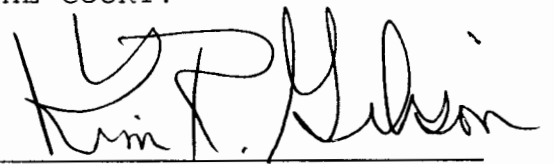
The Magistrate Judge filed a Report and Recommendation on June 20, 2019, ECF no. 24, recommending that the motion be denied. The plaintiff was notified that pursuant to 28 U.S.C. § 636(b)(1), he had fourteen days to file written objections to the Report and Recommendation. Plaintiff did not file objections, but someone identifying himself as "the writ writer" filed a pleading at ECF no. 30 that refers to objections having been filed "on behalf of" the plaintiff. No such objections appear in the record.

Regardless of the absence of timely objections from the plaintiff I have reviewed the record, the motion, and the Report and Recommendation *de novo*, and find no basis for vacating the judgment. I note that many of the pleadings in this matter, including the motion to vacate and the notice of appeal, purport

to be filed "on behalf of Patrick Davis," which is a formula that does not satisfy Fed.R.Civ.P. 11(a)'s requirement that pleadings be signed by an attorney of record or personally by the party. The motion to vacate is denied for the reasons set out in the Report and Recommendation at ECF no. 24, which is adopted as the opinion of the Court.

BY THE COURT:

August 22, 2019



KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice by U.S. Mail to:

Patrick Davis KW-7089
S.C.I. Rockview
P.O. Box A, 1 Rockview Place
Bellefonte, PA 16823