

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

LEO MORAN,

Plaintiff

v.

ANDREW PALLITO,

Defendant

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File No. 1:09-cv-00227-jgm

ORDER

The Magistrate Judge's Report and Recommendation was filed December 27, 2010. (Doc. 16.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

Defendants' unopposed Motion to Dismiss (Doc. 15) is GRANTED. This case is hereby DISMISSED.

It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 25<sup>th</sup> day of January, 2011.

/s/ J. Garvan Murtha  
Honorable J. Garvan Murtha  
Senior United States District Judge