

CASE 66000

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

CHARLES ISELEY,)
 Plaintiff)
 vs.)
 JAMES S. PRICE, warden at Greene)
 prison; DONALD T. VAUGHN, warden)
 at Graterford prison;)
 MARTIN F. HORN, commissioner of)
 DOC; KENT WARMAN, Greene prison)
 employee; CONNER BLAINE, JR.,)
 deputy warden at Greene prison;)
 ROBERT SPARBANIE, prison guard)
 at Greene prison; in their)
 individual and official)
 capacities;)
 Defendants)

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Civil Action No. 96-1314
Judge Alan N. Bloch/
Magistrate Judge Sensenich

MEMORANDUM ORDER

Plaintiff's complaint was received by the Clerk of Court on July 12, 1996, and was referred to United States Magistrate Judge Ila Jeanne Sensenich for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

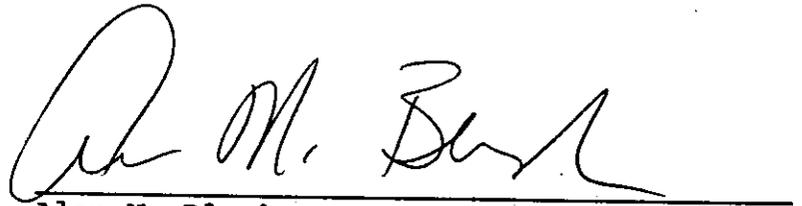
The magistrate judge's report and recommendation, filed on November 1, 1996, recommended that Plaintiff's complaint be dismissed in accordance with 28 U.S.C. § 1915(e) for failure to state a claim on which relief may be granted. Plaintiff was allowed ten (10) days from the date of service to file objections. Service was made on him by delivery to the State Correctional Institution at Greene, where he is incarcerated. He filed objections on November 6, 1996. After de novo review of the pleadings and documents in the case, together with the report

and recommendation and objections thereto, the following order is entered:

AND NOW, this 8th day of November, 1996

IT IS HEREBY ORDERED that Plaintiff's complaint is dismissed in accordance with 28 U.S.C. § 1915(e) for failure to state a claim on which relief may be granted.

The report and recommendation of Magistrate Judge Sensenich, dated October 31, 1996, is adopted as the opinion of the court.



Alan N. Bloch
United States District Judge

cc: Ila Jeanne Sensenich
U.S. Magistrate Judge

Charles Iseley, AM-9320
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