

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

CAINE PELZER, :
Plaintiff, :
v. : Case No. 3:11-cv-185-KRG-KAP
KEVIN SHEA and ROBERT REED, :
Defendants :

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on November 29, 2011, docket no. 11, recommending that defendants' motion to dismiss, docket no. 9, be granted and plaintiff's complaint dismissed.

The parties were notified that, pursuant to 28 U.S.C. § 636(b)(1), they had fourteen days to serve and file written objections to the Report and Recommendation. Plaintiff filed objections in the form of a motion in opposition, docket no. 12, and brief, docket no. 13.

After de novo review of the record, the Report and Recommendation, and the timely objections thereto, the following order is entered:

AND NOW, this 20th day of December, 2011, it is

ORDERED that defendants' motion to dismiss is granted and plaintiff's complaint is dismissed with prejudice. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink that reads "Kim R. Gibson". The signature is written in a cursive style and is positioned above a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF and by U.S. Mail to:

Caine Pelzer EZ-2913
S.C.I. Houtzdale
P.O. Box 1000
Houtzdale, PA 16698-1000