

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

DANIEL L. SPUCK,	)	
Plaintiff,	)	
v.	)	C.A. No. 10-159 Johnstown
	)	
PENNSYLVANIA BOARD OF	)	
PROBATION & PAROLE, et al,	)	
Defendants.	)	

**MEMORANDUM ORDER**

This prisoner civil rights action was received by the Clerk of Court on June 17, 2010, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation 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 May 11, 2011, recommended that the motions to dismiss [ECF Nos. 9, 14, and 18] filed by Defendants be granted; and Plaintiff's *in forma pauperis* status be revoked. It was further recommended that Plaintiff be given twenty (20) days to pay the filing fee of \$350. If the filing fee is not paid within the time allotted, it is recommended that the complaint be dismissed. It was further recommended that Plaintiff's motion to strike [ECF No. 22] be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail at SRCF Mercer, where he is incarcerated, and on Defendants. Objections were filed by Plaintiff on May 24, 2011. After de novo review of the petition and documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 1<sup>st</sup> Day of August, 2011;

IT IS HEREBY ORDERED that the motions to dismiss [ECF Nos. 9, 14, and 18] filed by Defendants are GRANTED; and Plaintiff's *in forma pauperis* status is revoked. It is further ORDERED that Plaintiff has twenty (20) days from this date to pay the filing fee of \$350. If the filing fee is not paid within the time allotted, the complaint will be dismissed. It was further ORDERED that Plaintiff's motion to strike [ECF No. 22] is DENIED.

The report and recommendation of Magistrate Judge Baxter, dated May 10, 2011, is adopted as the opinion of the court.

August 1, 2011

  
KIM R. GIBSON  
United States District Judge

cc: Susan Paradise Baxter  
U.S. Magistrate Judge  
all parties of record \_\_\_\_\_