

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

DANNY BURTON, Plaintiff)
v.) C.A. No. 13-197 Erie
MAXINE OVERTON, Defendant.)

MEMORANDUM ORDER

This prisoner civil rights action was received by the Clerk of Court on July 5, 2013, 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 October 21, 2014, recommended that the motion to dismiss [Dkt.15] be granted. Service was made on Plaintiff by mail at SCI Forest, where he is incarcerated, and on Defendant. No objections were filed. After de novo review of the petition and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 4th day of December, 2014;

IT IS HEREBY ORDERED that the motion to dismiss [Dkt.15] is GRANTED. The Clerk of Court is directed to close this case.

The report and recommendation of Magistrate Judge Baxter, dated October 21, 2014, is adopted as the opinion of the court.

/s/ Joy Flowers Conti
JOY FLOWERS CONTI
United States District Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge

all parties of record _____