

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

WARREN EASLEY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:20-cv-156-SPB-RAL
)	
DERICK OBERLANDER, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff Warren Easley, an inmate previously housed at SCI-Forest, has sued various medical personnel and prison officials in this civil rights action, which he commenced on June 18, 2020. The matter has been referred to United States Magistrate Judge Richard A. Lanzillo for pretrial proceedings, in accordance with the Magistrates Act, 28 U.S.C. §636(b)(1), and Rules 72(C) and (D) the Local Civil Rules of Court.

On March 15, 2021, the Defendants filed a motion to dismiss Plaintiff’s complaint. *See* ECF Nos. 17, 18; *see also* ECF No. 6. Thereafter, Judge Lanzillo issued a briefing order which directed Plaintiff to file his response on or before April 15, 2021. ECF No. 19. Plaintiff failed to do so; therefore, on August 9, 2021, Judge Lanzillo directed Plaintiff to show cause for his delinquency on or before August 24, 2021. ECF No. 23. As an alternative measure, Plaintiff was given leave to file his response in opposition to the Defendants’ motion by August 24, 2021. *Id.* He failed to do either.

Accordingly, on September 13, 2021, Judge Lanzillo issued a second “show cause” order. ECF No. 24. Therein, the Magistrate Judge took judicial notice of the fact that Plaintiff is currently housed at SCI-Phoenix and has failed to notify the Clerk of the change in his mailing

address. Recognizing that Plaintiff also has a companion case filed at Docket No. 1:21-cv-63, Judge Lanzillo directed Plaintiff to notify the Court within fourteen days whether he intended to continue prosecuting his civil actions. Plaintiff was specifically advised that, if he failed to respond, the Court might treat the Defendants' motion in this matter as unopposed. Out of an abundance of caution, Judge Lanzillo directed that copies of his September 13, 2021 Order be mailed to Plaintiff, both at SCI-Phoenix and at his official address of record (SCI-Forest). *Id.*

On January 12, 2022, having still received no response from Plaintiff, Judge Lanzillo filed a Report and Recommendation in which he concluded that the within case should be dismissed under Rule 41(b) and the Defendants' motion should be denied as moot. ECF No. 26. In arriving at this conclusion, Judge Lanzillo conducted an analysis of the various factors outlined in *Poulis v. State Farm Fire and Casualty Co.*, 747 F.2d 863 (3d Cir. 1984), and determined that those factors supported a dismissal of the case based upon Plaintiff's failure to prosecute his claims. *Id.*

Objections to the Report and Recommendation were due to be filed on or before January 31, 2022. To date, no objections have been received.

Accordingly, after *de novo* review of the Complaint, the Defendants' motion, and all other relevant filings in this case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 15th day of February, 2022;

IT IS HEREBY ORDERED that the within civil action shall be, and hereby is, DISMISSED with prejudice, based upon Plaintiff's failure to prosecute his claims.

IT IS FURTHER ORDERED that the motion to dismiss filed by the Defendants, ECF No. [17], shall be, and hereby is, DISMISSED as moot.

Finally, IT IS ORDERED that the Report and Recommendation of Magistrate Judge Lanzillo, issued on January 12, 2022, ECF No. [26], is adopted as the opinion of this Court.

There being no further claims pending before this Court in the above-captioned matter, the Clerk is directed to mark this civil action "CLOSED."



SUSAN PARADISE BAXTER
United States District Judge

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