

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

STILLWATER LAKES CIVIC	:	No. 3:08cv2264
ASSOCIATION, INC.,	:	
Plaintiff	:	(Judge Munley)
	:	
v.	:	(Magistrate Judge Blewitt)
	:	
NOREEN GORKA,	:	
MICHAEL GLASSIC,	:	
STILLWATER LAKES CITIZENS, and	:	
STILLWATER LAKES COMMUNITY	:	
ACTIVIST,	:	
Defendants	:	

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Order

Before the court is the report and recommendation (Doc. 16) of Magistrate Judge Thomas M. Blewitt, proposing that the court deny defendants' motion to dismiss the instant complaint. No objections to the report and recommendation have been filed, and the time for such filing has passed. Therefore, in order to decide whether to adopt the report and recommendation, the court must determine whether a review of the record evidences plain error or manifest injustice. See, e.g., Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983); FED. R. CIV. P. 72(b) 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation"); 28 U.S.C. § 636(b)(1).

After a careful review, the court finds neither a clear error on the face of the record nor a manifest injustice, and therefore the court shall adopt the report and

recommendation. Accordingly:

AND NOW, to wit, this 30th day of April 2009:

- 1) The Report and Recommendation of Magistrate Judge Thomas M. Blewitt (Doc. 16) is hereby **ADOPTED**;
- 2) The defendant's motion to dismiss (Doc. 8) is hereby **DENIED**; and
- 3) The case is remanded to the magistrate judge for proceedings consistent with this opinion.

BY THE COURT:



**JUDGE JAMES M. MUNLEY
UNITED STATES DISTRICT COURT**