

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Frank Tufano v. Paul Saladino, MD, et al.

Tufano · No. 3:25-CV-1400 · Decided March 20, 2026

SUMMARY

The United States District Court for the Middle District of Pennsylvania adopted a Magistrate Judge's Report and Recommendation after concluding that the plaintiff's filings did not constitute specific objections requiring de novo review. The court dismissed Frank Tufano's complaint with prejudice and directed the Clerk of Court to close the action.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Robert D. Mariani
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	March 20, 2026
DOCKET	3:25-CV-1400
DISPOSITION	dismissed
PROCEDURAL POSTURE	District court review and adoption of a magistrate judge's Report and Recommendation recommending dismissal of the complaint.
STANDARD OF REVIEW	Clear-error or manifest-injustice review when no proper, specific objection is made to a magistrate judge's Report and Recommendation; de novo review applies to portions properly objected to under 28 U.S.C. § 636(b)(1)(C).
PRECEDENTIAL VALUE	Unknown; district court order with no reported citation in the source.
PARTIES	Frank Tufano v. Paul Saladino, MD, et al.

TOPICS

- civil procedure
- pleadings

PRACTICE AREAS

- civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff's filings constituted sufficiently specific objections requiring de novo review of the magistrate judge's Report and Recommendation.
2. Whether the district court should adopt the Report and Recommendation and dismiss the complaint with prejudice.

HOLDINGS

1. Plaintiff's filings were insufficient to constitute specific objections because they did not identify any particular portion of the R&R or present an argument that would alter the R&R's correctness; therefore, de novo review was not required.
2. The district court adopted the Report and Recommendation and dismissed Plaintiff's complaint with prejudice.

KEY QUOTATIONS

"The R&R (Doc. 6) is ADOPTED for the reasons stated therein." (Order ¶ 1)

"Plaintiff's filings are insufficient to rise to the level of one or more Objections fo the R&R." (Order ¶ 2 n.1)

FACTUAL BACKGROUND

The opinion provides no substantive facts concerning Plaintiff's underlying claims. After the magistrate judge issued an R&R addressing the complaint, Plaintiff submitted two short, nearly identical filings asserting wrongdoing and expressing a preference for a jury trial. Those filings did not identify specific portions of the R&R for objection.

PROCEDURAL HISTORY

Magistrate Judge Leo Latella issued a Report and Recommendation (Doc. 6). Plaintiff filed a response and a brief seeking leave to file a third-party complaint, but the district court concluded that the filings did not constitute specific objections to the R&R. The district court adopted the R&R, dismissed the complaint with prejudice, and directed the Clerk to close the action.

DISPOSITION

dismissed

CASES CITED

- Brown v. Astrue, 649 F.3d 193, 195 (3d Cir. 2011)

OPINION

THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA FILED SCRANTON FRANK TUFANO, MAR 20 2026 Plaintiff pen V.: 3:25-

CV-1400 DEPUTY CLERK: (JUDGE MARIANI) PAUL SALADINO, MD, et al.,: Defendants: ORDER AND NOW, THIS 3 OF MARCH, 2026, upon review of Magistrate Judge Leo Latella's Report & Recommendation ("R&R") (Doc. 6) for clear error or manifest injustice,' IT IS HEREBY ORDERED THAT: 1.

The R&R (Doc. 6) is ADOPTED for the reasons stated therein. 2. Plaintiff's Complaint is DISMISSED WITH PREJUDICE. ' If a party timely and properly files a written objection to a Magistrate Judge's Report and Recommendation, the District Court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C); see also, *Brown v. Astrue*, 649 F.3d 193, 195 (3d Cir.

2011); M.D. Pa. Local Rule 72.3. Here, following the issuance of the R&R, Plaintiff filed a "Response to Report and Recommendations by Judge Latella" (Doc. 8, at 1) and "Brief in Support of Motion for Leave to File Third Party Complaint" (Doc. 7; Doc. 8 at 2). Plaintiff's filings are insufficient to rise to the level of one or more Objections to the R&R. Tufano's one- page, near- identical, filings reference the R&R's "comprehensive and detailed reasoning for why {his} claims are not admissible" but assert that "clear wrongdoing" has nonetheless been committed against him and that he would "prefer this matter to be determined by a trial of his peers as opposed to any individual judge." (See Doc.

8, at 1; see also, Doc. 7). Plaintiff's filings do not reference any specific portions of the R&R to which objection is made or set forth any statement or assertion which would alter the correctness of the pending R&R or affect this Court's review of the R&R.

The Court thus need not engage in a de novo analysis, Nonetheless, upon review of the relevant documents, even if this Court applied a de novo review, the result would be the same. 3. The Clerk of Court is directed to CLOSE the above-captioned action. Robert D. Mariani United States District Judge