## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

RONA	ALD I	BARKI	HORN,			:	k						
Plaintiff						:	k						
	v.					:	k	CIV	'IL NO	. JKB-	10-750		
		IERIC AKE, I	A LLC, et	al.		:	k						
		,	,			:	*						
		Defe	endant										
	*	*	*	*	*	*	*	*	*	*	*	*	

## MEMORANDUM AND ORDER

In a prior order (ECF #123), the Court noted that all parties except Terry Neblitt and James Ruff had advised the Court that they consented to the jurisdiction of a Magistrate Judge to conduct all proceedings in this case. The Court required Plaintiffs Neblitt and Ruff to advise the Court, on or before February 6, 2012, as to whether they similarly consented. There was no requirement that any party consent to a Magistrate Judge - - only that they clearly indicate their position on the question by the established deadline. Considering that the Court had set an earlier deadline which these two Plaintiffs had not honored, the Court noted that a failure to respond to the second deadline with an answer, one way or another, would be considered a failure to prosecute the case and would subject a party to dismissal.

The second deadline has come and gone. Mr. Ruff has responded and thus remains in good standing in the case. Mr. Neblitt has again failed to honor the Court's deadline.

WHEREFORE, upon the foregoing, it is ORDERED:

 That Plaintiff Terry Neblitt is DISMISSED as a party for failure to prosecute his claims. The defendant's MOTION FOR SUMMARY JUDGMENT (ECF #115) as to Plaintiff Neblitt is DENIED AS MOOT. 2. The remaining Plaintiffs and the Defendant having consented to the jurisdiction of a United States Magistrate Judge (see ECF #121 and #126), this matter is REFERRED to a Magistrate Judge to conduct all further proceedings in this Court, including entry of final judgment.

The Court notes that the parties have not filed their consent to proceed before a Magistrate Judge on the official form supplied by the Court. While the consents are now effective, the Court nonetheless directs the parties to the Court's website to obtain the "official" form for consent, and directs them to execute and file the same forthwith.

DATED this 9<sup>th</sup> day of February, 2012.

## BY THE COURT:

/s/

James K. Bredar United States District Judge