

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

**RONALD BARKHORN,**

\*

**Plaintiff**

\*

**v.**

\*

**CIVIL NO. JKB-10-750**

**PORTS AMERICA  
CHESAPEAKE, LLC, et al.**

\*

\*

**Defendant**

\* \* \* \* \*

**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:

1. 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.

