

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

STEVEN MABLE, et al.,

Plaintiffs,

v.

JEFFREY A. BEARD, et al.,

Defendants.

CIVIL ACTION NO. 3:10-CV-1214

(JUDGE CAPUTO)

MEMORANDUM

Presently before the Court is Magistrate Judge J. Andrew Smyser's Report and Recommendation (Doc. No. 32) which recommends that six of thirteen plaintiffs be dismissed from the case for failure to file required *in forma pauperis* applications. No objections to the report were made. After the issuance of Judge Smyser's report, one of these six plaintiffs filed an application for leave to proceed *in forma pauperis*, and this Court granted the application.

The Court will adopt the report and recommendation as to the remaining five plaintiffs who failed to file *in forma pauperis* applications, with the result that they will be dismissed from the case. The case will be recommitted to Magistrate Judge Smyser for further proceedings. An appropriate order follows.

October 27, 2010

Date

/s/ A. Richard Caputo

A. Richard Caputo

United States District Judge

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NO. 3:10-CV-1214

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ORDER

NOW, this 27th day of October, 2010, **IT IS HEREBY ORDERED:**

(1) Magistrate Judge Smyser's report and recommendation (Doc. No. 32) is REJECTED IN PART and ADOPTED IN PART as follows:

1) The recommendation that Tyrone Green, Rysheim Lawson, David Hayes, Brian Jackson, and Nazir Williams be dismissed from the case is ADOPTED.

2) The recommendation that Nathaniel Hathorn be dismissed from the case is REJECTED.

(2) This case is RECOMMENDED to Magistrate Judge Smyser for further proceedings consistent with this opinion.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge