

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

FRANCISCO SERRANO,

Plaintiff,

v.

ERIKA FENSTERMAKER, *et al.*,

Defendants.

CIVIL ACTION NO. 3:CV-12-2467

(JUDGE CAPUTO)

(MAGISTRATE JUDGE CARLSON)

ORDER

NOW, this 24th day of January, 2013, upon review of the Report and Recommendation of Magistrate Judge Martin C. Carlson (Doc. 6) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report & Recommendation (Doc. 6) is **ADOPTED**.
- (2) Plaintiff's motion for leave to proceed *in forma pauperis* (Doc. 2) is **GRANTED**.
- (3) The claims against individual Defendant Erika Fenstermaker are **DISMISSED with prejudice**.
- (4) Plaintiff may **PROCEED** with his action against Defendant United States of America.
- (5) The matter is **RECOMMITTED** to Magistrate Judge Carlson for further proceedings.



A. Richard Caputo
United States District Judge