

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

JOSE REYES,

Plaintiff,

v.

UNITED STATES OF AMERICA and ERIKA

FENSTERMAKER,

Defendants.

CIVIL ACTION NO. 3:13-CV-974

(JUDGE CAPUTO)

(MAGISTRATE JUDGE CARLSON)

ORDER

NOW, this 14th day of March, 2014, upon review of the Report and Recommendation of Magistrate Judge Martin C. Carlson (Doc. 24) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report & Recommendation (Doc. 24) is **ADOPTED**.
- (2) Plaintiff's claim against the individual Defendant Erika Fenstermaker is **DISMISSED with prejudice**.
- (2) Plaintiff's claims proceed solely against the United States and solely under the Federal Tort Claims Act.
- (3) This matter is **RECOMMENDED** to Magistrate Judge Carlson.


A. Richard Caputo
United States District Judge