

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

LAVELLE HARKNESS,

Plaintiff,

v.

RAYMOND SOBINA,

Defendant.

Civil Action No. 09-29 Erie

**MEMORANDUM ORDER**

This civil rights action was received by the Clerk of Court on February 11, 2009 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 47], filed on May 17, 2010, recommended that the Plaintiff's case be dismissed for failure to prosecute. The parties were allowed fourteen (14) days from the date of service to file objections and service was made on Plaintiff by certified mail. No objections were filed. After de novo review of the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 10<sup>th</sup> day of June, 2010;

IT IS HEREBY ORDERED that the Plaintiff's case is DISMISSED for failure to prosecute.

The Report and Recommendation [Doc. No. 47] of Magistrate Judge Baxter, filed on May 17, 2010 is adopted as the opinion of the Court.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge