UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

| HOWARD A. CARTER, |) | |
|------------------------|---|---------------------------------------|
| Plaintiff, |) | Civil Action No. 1:16-cv-00007-BR-SPB |
| |) | |
| v. |) | |
| |) | |
| |) | |
| KATHLEEN KANE, et al., |) | |
| Defendants. |) | |

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court, having considered the Report and Recommendation of Magistrate Judge Susan Paradise Baxter, Plaintiff's Objections, and the balance of record, **HEREBY ORDERS**:

- (1) The Court **PARTIALLY ADOPTS** the Report and Recommendation.
- (2) Defendants Cerwin, Pettri, Cho, and Cherck are **DISMISSED** due to Plaintiff's failure to prosecute.
- (3) Defendant Randolph will not be dismissed until Plaintiff has had an opportunity to submit a USM-285 form; he will have 30 days from the date of this order to do so.¹
- (4) The Clerk shall send copies of this Order to the parties.

IT IS SO ORDERED.

DATED this 12th day of December, 2016

s/Barbara J. RothsteinBarbara J. Rothstein,United States District Judge

¹ Plaintiff's Objections indicate that he attached a USM-285 form for Defendant Randolph (*see* Dkt. No. 60), but the court docket indicates receipt of no such document. Plaintiff is ordered to resubmit the USM-285 for Defendant Randolph.