

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

THOMAS,

**Plaintiff,**

v.

**PRIMECARE MEDICAL, INC. ET AL.,**

**Defendants.**

**Civil Action No. 16-293**

**ORDER ADOPTING THE REPORT AND  
RECOMMENDATION**

The Magistrate Judge issued a Report and Recommendation in this matter recommending that this Court dismiss this action for failure to prosecute. Dkt. No. 34. Specifically, Plaintiff has failed to comply with multiple orders instructing him to respond to Defendants' motion to dismiss for failure to state a legally cognizable claim. *See e.g.* Dkt. Nos. 26 and 32. On July 6, 2017, the Magistrate Judge issued an order to show cause why the matter should not be dismissed because of Plaintiff's repeated failure to comply with the Court's instructions. Dkt. No. 33. The order to show cause warned Plaintiff that if he failed to respond by July 20, 2017, the Court would dismiss his case. July 20, 2017 came and went without a response from Plaintiff, so on July 28, 2017, the Magistrate Judge issued a Report and Recommendation recommending that this Court dismiss this action. After reviewing the Report and Recommendation, the record, and all other materials before the Court, and no objection being filed, it is hereby ordered that:

- (1) The Report and Recommendation is ADOPTED;
- (2) This case is HEREBY DISMISSED; and
- (3) The Clerk of the Court shall send copies of this Order to Plaintiff.

**IT IS SO ORDERED.**

DATED this 21st day of August, 2017.



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BARBARA J. ROTHSTEIN  
UNITED STATES DISTRICT JUDGE