

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

CHARLES W. BAXTER,)
Plaintiff,) C.A. No. 1:16-290
v.)
MAGISTERIAL JUDGE DJ HAMMER,)
et al.,)
Defendants.)

MEMORANDUM ORDER

This prisoner civil rights action was received by the Clerk of Court on November 30, 2016, 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, filed on August 23, 2017, (Docket No. [42]), recommended that the motions to dismiss filed by Defendant Kevin Kallenbach, (Docket No. [23]), and Defendant Magisterial District Judge Scott B. Hammer, (Docket No. [26]), be granted and that said Defendants be terminated from this case. Service was made on all parties, and objections were due by September 6, 2017. 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 20th day of September, 2017,

IT IS HEREBY ORDERED that the motions to dismiss filed by Defendant Kevin Kallenbach, (Docket No. [23]), and Defendant Magisterial District Judge Scott B. Hammer, (Docket No. [26]), are granted, and that said Defendants are terminated from this case.

The report and recommendation of Magistrate Judge Baxter, dated August 23, 2017, is adopted as the opinion of the Court.

s/Nora Barry Fischer
Nora Barry Fischer
United States District Judge

cc/ecf: Susan Paradise Baxter
U.S. Magistrate Judge

Charles W. Baxter
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1618 Ash Street
Erie, PA 16503

All counsel of record