

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

THOMAS D. KIMMETT,	:	Civil Action No. 4:08-CV-1496
	:	
Plaintiff,	:	(Judge Brann)
	:	
v.	:	
	:	
TOM CORBETT, <i>et. al.</i> ,	:	
	:	(Magistrate Judge Blewitt)
Defendants.	:	

ORDER

April 22, 2013

In conformity with the memorandum issued this date,

1. The Report and Recommendation of Magistrate Judge Blewitt is ADOPTED IN PART and REJECTED IN PART. Report and Recommendation, June 24, 2011, ECF No. 177.
2. Defendants’ Motion for Summary Judgment is GRANTED. Defendant’s Motion for Summary Judgment, July 16, 2010, ECF No. 79.
3. Plaintiff’s Motion for Summary Judgment is DENIED. Plaintiff’s Motion for Partial Summary Judgment, July 16, 2010, ECF No. 86.
4. Count I of the second amended complaint is DISMISSED WITH PREJUDICE. Second Amended Complaint, March 3, 2009, ECF No. 35.
5. Counts II and III of the second amended complaint are DISMISSED WITHOUT PREJUDICE. Second Amended Complaint, March 3, 2009, ECF No. 35.

6. Final Judgment is entered in favor of defendants and against plaintiff on Count I.
7. The clerk is directed to close the case file.

s/ Matthew W. Brann
Matthew W. Brann
United States District Judge