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Based on the foregoing, IT IS HEREBY ORDERED that:

1. For the reasons explained in the Court's October 3, 2014, order, this action shall proceed on Plaintiff's claim of deliberate indifference based on the conditions of his confinement against Defendant Biter;
2. All other claims and defendants are DISMISSED from the action for failure to state a cognizable claim for relief; and
3. The matter is referred back to the Magistrate Judge for initiation of service of process.

IT IS SO ORDERED.

Dated: November 18, 2014

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE

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