

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

KEVIN JOHN WITASICK, SR.,
Plaintiff,

Civil No. 10-3570 (JBS-KMW)

v.

ORDER

U.S. Attorney TIMOTHY J. HEAPHY;
Assistant U.S Attorney C.
PATRICK HOGEBOOM, III; and THE
UNITED STATES OF AMERICA,
Defendants.

This matter came before the Court upon the filing of the
Complaint and Motion for Temporary Restraining Order herein; and

The Court having determined that it lacks jurisdiction over
the subject matter of this action pursuant to Rule 12(h)(3), Fed.
R. Civ. P.; and

For the reasons stated in the Memorandum Opinion of today's
date;

IT IS, this 15th day of **July, 2010**, hereby

ORDERED that the Motion for a Temporary Restraining Order
shall be DENIED and the Complaint herein shall be DISMISSED for
lack of subject matter jurisdiction.

s/ Jerome B. Simandle

JEROME B. SIMANDLE
U.S. District Judge