

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

JORGE GOMEZ,
Plaintiff,

v.

THOMAS CULLEN, et al.,
Defendants

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No. 1:20-cv-01637

(Judge Kane)

ORDER

AND NOW, on this 7th day of June 2021, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT**:

1. Defendants' motion to dismiss and/or for summary judgment (Doc. No. 38) is **GRANTED in part** and **DENIED in part**, as follows:
 - a. The motion (Doc. No. 38) is **GRANTED** as to: (1) Plaintiff's official capacity Bivens claims against Defendants Cullen and Parkyn and his official and individual capacity claims against Defendant Zalno; (2) Plaintiff's Eighth Amendment Bivens claims against Defendants Cullen and Parkyn in their individual capacities; and (3) Plaintiff's FTCA medical negligence claims against the United States, and the Clerk of Court is directed to enter judgment in favor of Defendants Cullen, Parkyn, Zalno, and the United States and against Plaintiff Jorge Gomez as to these claims;
 - b. The motion (Doc. No. 38) is **DENIED** to the extent Defendants seek dismissal of Plaintiff's Bivens claims against Defendants Foster, Sorrell, and Robinson;
2. The Clerk of Court is directed to **TRANSFER** this action to the United States District Court for the Northern District of New York for further proceedings as to Plaintiff's Bivens claims against Defendants Foster, Sorrell, and Robinson and his FTCA ordinary negligence claims concerning events at FCI Ray Brook; and
3. The Clerk of Court is directed to **CLOSE** the above-captioned action.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania