

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

KENNETH MALIK MILLER	:	CIVIL ACTION
	:	
v.	:	
	:	
DAVID DIGUGLIELMO, et al.	:	NO. 07-2686

ORDER

AND NOW, this 15th day of December, 2009, based on the foregoing Memorandum, it is hereby ORDERED as follows:

1. Defendants David Diguglielmo and Michael Lorenzo are DISMISSED from the case, with prejudice.
2. Defendants' Motion for Summary Judgment shall be GRANTED as to Plaintiff's Third Count (denial of access to courts for legal redress) and Fourth Count (under the Eighth Amendment to the U.S. Constitution).
3. Counsel will follow the procedures discussed at oral argument as to the First and Second Counts, as to which Defendants' Motion for Summary Judgment is DENIED without prejudice.
4. Plaintiff's counsel shall file a supplemental pretrial statement no later than January 22, 2010. A telephone conference will be held with counsel on January 25, 2010 at 4:30 p.m. Plaintiff's counsel will initiate the call, and when all parties are on the line, counsel will call chambers at 267.299.7520.

BY THE COURT:

/s/ Michael M. Baylson

 Michael M. Baylson, U.S.D.J.

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