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

KENNETH COLLINS, **CIVIL ACTION**

v.

MICHAEL NUTTER; LOUIS GIORLA; and No. 13-1848

JOHN DELANEY

ORDER

:

AND NOW, this 4th day of February, 2015, upon consideration of plaintiff's complaint (paper no. 5), defendants' motion to dismiss for failure to state a claim (paper no. 12), and plaintiff's response to defendants' motion to dismiss (paper no. 13), and for the reasons set forth in the accompanying memorandum, it is **ORDERED**:

- 1. Defendants' motion to dismiss plaintiff's complaint is **GRANTED**.
- Plaintiff is given leave to file and serve an amended complaint stating a plausible claim against viable defendants under 42 U.S.C. § 1983 on or before March 23, 2015. Failure to do so will result in the dismissal of this action.

/s/ Norma L. Shapiro

Norma L. Shapiro United States District Judge