

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

MARISSA MARK	:	CIVIL ACTION
	:	
v.	:	
	:	
BRIAN J. PATTON et al.	:	NO. 14-1623

**ORDER**

**AND NOW**, this 9th day of December, 2014, having considered Plaintiff's Complaint (ECF No. 6), Defendants' Motion to Dismiss (ECF No. 11), Plaintiff's Motion for Reconsideration (ECF No. 12), Defendants' Reply in Support (ECF No. 14), and Plaintiff's Response in Opposition (ECF No. 15), it is hereby **ORDERED** that Defendants' Motion to Dismiss (**ECF No. 11**) is **GRANTED** as follows:

1. The negligence claim against Brian J. Patton and FDC Philadelphia is dismissed with prejudice, and the United States of America is substituted as the proper defendant for Plaintiff's negligence claim.
2. The negligence claim against the United States of America is dismissed without prejudice.
3. The Bivens claim against FDC Philadelphia is dismissed with prejudice.
4. The Bivens claim against Brian J. Patton is dismissed without prejudice.

**IT IS FURTHER ORDERED** that Plaintiff is granted leave to file an amended complaint within sixty days.

BY THE COURT:

/s/ L. Felipe Restrepo \_\_\_\_\_  
L. FELIPE RESTREPO  
UNITED STATES DISTRICT JUDGE