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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF PENNSYLVANIA

RONELL SHAMAR NICHOLS,

Plaintiff,

v. :

No. 15-cv-0527

DAVID BURNS, George W. Hill Correctional Facility Warden,
CORRECTIONAL OFFICER GOKMAN,
CORRECTIONAL OFFICER SABINTINO, and
CORRECTIONAL OFFICER SERGEANT
CLARK.

Defendants.

ORDER

AND NOW, this 4th day of December, 2015, upon consideration of Defendants' Motions to Dismiss Plaintiff's Amended Complaint, ECF Nos. 21 and 38, Plaintiff's Motions to Compel Discovery, ECF Nos. 23, 32, 39, 40, and 41, Plaintiff's Motion for Leave to Amend, ECF No. 30, and Plaintiff's Motion for Appointment of Counsel, ECF No. 31, and for the reasons set forth in the Memorandum Opinion issued this date, **IT IS ORDERED** as follows:

- 1. Defendants' Motions to Dismiss, ECF Nos. 21 and 38, are **GRANTED**.
 - a. Plaintiff's retaliation claim is **DISMISSED** with prejudice.
 - b. Plaintiff's deliberate indifference claim is **DISMISSED** without prejudice.
 - c. Plaintiff's claims against Defendant Byrne are **DISMISSED** without prejudice.
 - d. Plaintiff's claims against Defendant Clark are **DISMISSED** without prejudice.
- 2. Plaintiff is permitted **LEAVE TO AMEND** his Amended Complaint with respect to his deliberate indifference claim in accordance with the accompanying Memorandum

Opinion. If Plaintiff chooses to file a second amended complaint, he must file the second amended complaint no later than January 4, 2016.

3. Plaintiff's Motion for Leave to Amend, ECF No. 30, is **DENIED as moot.**

4. Plaintiff's Motions to Compel Discovery, ECF Nos. 23, 32, 39, 40, and 41, are **DENIED**

without prejudice.

5. Plaintiff's Motion for Appointment of Counsel, ECF No. 31, is **DENIED without**

prejudice.

BY THE COURT:

/s/ Joseph F. Leeson, Jr._

JOSEPH F. LEESON, JR.

United States District Judge