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

VICTOR MANUEL RIVERA, :

Plaintiff, :

v. : Civ. No. 16-1493

:

JOHN C. THOMAS, et al.,

Defendants.

:

## <u>ORDER</u>

**AND NOW**, this 27th day of March, 2017, upon consideration of Defendants' Motion to Dismiss (Doc. No. 23), Plaintiff's Response (Doc. No. 26), and Defendants' Reply (Doc. No. 27), it is hereby **ORDERED** as follows:

- 1. Defendants' Motion to Dismiss (Doc. No. 23) is **GRANTED**.
- 2. Plaintiff's constitutional claims (Counts I and II) are **DISMISSED** with prejudice.
- 3. Plaintiff shall **TRANSFER** his negligence claims (Counts III and IV) to the appropriate state court.
- 4. The Clerk of Court shall **CLOSE** this case.

AND IT IS SO ORDERED.

/s/ Paul S. Diamond

Paul S. Diamond, J.