

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

MARVIN BANKS,	:	
<i>Plaintiff,</i>	:	
	:	
v.	:	CIVIL ACTION
	:	NO. 17-0329
	:	
SUSAN KENDRA, R.N., et al.,	:	
<i>Defendants.</i>	:	
	:	

**ORDER**

**AND NOW**, this 7<sup>th</sup> day of December, 2017, upon consideration of Plaintiff's *pro se* Complaint, (ECF No. 5), Defendants' Motion to Dismiss, (ECF No. 13), and Plaintiff's failure to file a timely response in opposition thereto, it is hereby **ORDERED** that said Motion is **GRANTED** in part and **DENIED** in part for the reasons set forth in the accompanying memorandum.

**FURTHER**, it is hereby **ORDERED** that Plaintiff has forty-five (45) days from the date of this this order to file an amended complaint. Failure to comply with this Order shall result in complete dismissal of the dismissed claims without further notice to Plaintiff.

BY THE COURT:

/s/ C. Darnell Jones, II  
C. Darnell Jones, II J.