

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

JOSE M. RAMOS-VAZQUEZ,

Plaintiff,

v.

**PRIMECARE MEDICAL, INC., BERKS
COUNTY, ENOS MARTIN, M.D., VICTORIA
GESSNER, M.D., and GEORGE WAGNER,**

Defendants.

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CIVIL NO. 09-00364

ORDER

AND NOW, this 30th day of September, 2010, upon consideration of Plaintiff's Amended Complaint (Doc. No. 24), the Motion to Dismiss filed by Defendants PrimeCare Medical, Inc., Dr. Enos Martin and Dr. Victoria Gessner (Doc. No. 28), the Motion to Dismiss and Motion to Strike filed by Defendant Berks County (Doc. No. 34), the Motion to Dismiss filed by Defendant Prison Warden George Wagner (Doc. No. 30), Plaintiff's Memoranda of Law in Opposition to these motions (Doc. Nos. 36-38), and for the reasons stated in the attached Memorandum Opinion, it is hereby **ORDERED** that:

1. The Motion to Dismiss filed by PrimeCare Medical, Inc., Dr. Martin and Dr. Gessner is **DENIED**;
2. Defendant Berks County's Motion to Dismiss and Motion to Strike is **DENIED**;
and
3. Defendant Warden George Wagner's Motion to Dismiss is **GRANTED**; and Plaintiff's claims against Warden Wagner are **DISMISSED without prejudice**.

It is so **ORDERED**.

BY THE COURT:

/s/ **Cynthia M. Rufe**

CYNTHIA M. RUFÉ, J.