

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

|                             |   |                     |
|-----------------------------|---|---------------------|
| <b>DAVID MORALES, JR.,</b>  | : | <b>CIVIL ACTION</b> |
| <b>Plaintiff,</b>           | : |                     |
|                             | : |                     |
| v.                          | : | <b>10-5117</b>      |
|                             | : |                     |
| <b>BERKS COUNTY PRISON,</b> | : |                     |
| <b>Defendant.</b>           | : |                     |
|                             | : |                     |

**ORDER**

**AND NOW** this 13<sup>th</sup> day of July, 2011, upon consideration of the “Motion to Dismiss of Defendant Berks County Prison Pursuant to F.R.C.P. 12(b)(6),” (doc. no. 10), Plaintiff’s response thereto, and for the reasons set forth in the accompanying memorandum opinion, it is hereby **ORDERED** that Defendant’s motion is **GRANTED** and the above-captioned action is **DISMISSED**. The Clerk of Court is directed to mark this case **CLOSED**.

**BY THE COURT:**

/s/ **Mitchell S. Goldberg**

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**Mitchell S. Goldberg, J.**