

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

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|-------------------------|---|--------------|
| ALFREDO MESTRE, JR. | : | CIVIL ACTION |
| | : | |
| | : | |
| v. | : | |
| | : | |
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| WARDEN GEORGE A. WAGNER | : | NO. 11-2480 |

ORDER

AND NOW, this 31st day of January, 2012, upon consideration of the Motion to Dismiss of Defendant Warden George Wagner Pursuant to F. R. C. P. 12(b)(6) (Document No. 12) and the plaintiff's response, it is **ORDERED** that the motion is **GRANTED**.

IT IS FURTHER ORDERED that the complaint is **DISMISSED**.

/s/Timothy J. Savage
TIMOTHY J. SAVAGE, J.