

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

<b>DEMETRIUS BAILEY,</b>	:	<b>CIVIL NO. 1:CV-07-2238</b>
<b>Plaintiff,</b>	:	
	:	<b>(Judge Kane)</b>
<b>v.</b>	:	
	:	
<b>MELISSA McMAHON, et al.,</b>	:	
<b>Defendants</b>	:	

**ORDER**

**NOW, THEREFORE, THIS 10th DAY OF DECEMBER 2014**, for the reasons set forth in the accompanying Memorandum, **IT IS HEREBY ORDERED AS FOLLOWS:**

1. Pursuant to the Stipulation of Dismissal entered into between the parties (Doc. No. 199), all claims set forth against Defendants Wakefield, Baird, Harlow, Kauffman, Lawler and Mock are **withdrawn by Plaintiff and dismissed with prejudice from this action.**
2. Commonwealth Defendants' motion for summary judgment (Doc. No. 174) is **granted**. Summary judgment is granted in favor of Defendants and against Plaintiff on the following claims: all claims against Defendant Beard; due process and access-to-the-courts claims against Defendant Hinkle and Fortney; all claims against Defendant Mitchell and Varner; and all claims against Defendants McMahon, Gembinski and Showalter.
3. Plaintiff's retaliation claim against Defendants Hinkle and Fortney and his conditions of confinement claims remain in this action. Within twenty (20) days, Defendants may file a further dispositive motion with respect to these claims. The failure to do so will result in this matter being scheduled for a pre-trial conference and trial at the convenience of the Court.
4. Plaintiff's pending motions for relief (Doc. Nos. 200, 202) are **denied without prejudice** to Plaintiff to file a new civil rights action alleging his claims.

5. Plaintiff's motion to attach exhibits to his motion for relief (Doc. No. 203) is **denied as moot.**

S/ Yvette Kane  
YVETTE KANE, District Judge  
Middle District of Pennsylvania