West v. Shultz et al Doc. 75

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

GERALD A. WEST,	:	**CIVIL NO. 1:CV-12-1004**
Plaintiff,	:	
	:	**(Judge Kane)**
v.	:	
	:	
OFFICER SHULTZ, et al.,	:	
Defendants	:	

ORDER

AND NOW, this 24th day of **April 2014,** in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED AS FOLLOWS:**

1. Plaintiff's motion for leave to supplement the complaint (Doc. No. 66) is **denied**.

2. Defendants' motion to dismiss and for summary judgment (Doc. No. 16) is **granted in part and denied in part**.

3. The motion for summary judgment is **granted with respect to** all Bivens claims, except those identified in the accompanying Memorandum against Defendants Shade and Shultz, on the basis of failure to exhaust. The motion for summary judgment is **also granted with respect to** all claims raised in Administrative Tort Claims #2012-03467 and #2012-05190 on the basis of failure to exhaust. The motion for summary judgment is **denied in all other respects.**

4. The motion to dismiss is **granted only with respect to** the verbal threat claims set forth against Defendant Shade. The motion is **denied in all other respects**.

5. Defendants shall file their answer to the claims remaining in this action within twenty (20) days.

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

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