

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

DARYL T'WAIN GIBSON, SR., :
Plaintiff : Civil Action No. 1:12-cv-01328
v. :
STEELTON POLICE DEPT., et al., : (Chief Judge Kane)
Defendants : (Magistrate Judge Blewitt)
:

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On August 7, 2012, Magistrate Judge Blewitt issued a Report and Recommendation, wherein he recommends that Plaintiff's complaint be dismissed in part pursuant to the screening requirements of the Prison Litigation Reform Act, 28 U.S.C. § 1915(e). (Doc. No. 9.) No timely objections have been filed.

ACCORDINGLY, on this 27th day of August 2012, **IT IS HEREBY ORDERED**
THAT:

1. Magistrate Judge Blewitt's Report and Recommendation (Doc. No. 9) is **ADOPTED**;
2. Plaintiff's Fourteenth Amendment failure-to-protect claim against Defendants Arthur G. Etnoyer and David Crawford is **ALLOWED TO PROCEED**;
3. Plaintiff's claims against Defendants Etnoyer and Crawford, in their official capacities, are **DISMISSED WITH PREJUDICE**;
4. Plaintiff's claims against Defendant Steelton Police Department are **DISMISSED WITH PREJUDICE**, and the Clerk of Court is directed to **TERMINATE** Defendant Steelton Police Department from this action;
5. Plaintiff is granted leave to file an amended complaint to raise a municipal liability claim against the Borough of Steelton, pursuant to Monell v. Department of Social Services of City of New York, 436 U.S. 658 (1978), within twenty-one days of the date of this order; and
6. All further proceedings in this matter are referred to Magistrate Judge Blewitt.

S/ Yvette Kane

Yvette Kane, Chief Judge
United States District Court
Middle District of Pennsylvania