

**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.	:	(Chief Judge Kane)
	:	
STEELTON POLICE DEPT., <u>et al.</u>,	:	(Magistrate Judge Blewitt)
Defendants	:	

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On September 27, 2012, Magistrate Judge Blewitt issued a Report and Recommendation, wherein he recommends that Plaintiff's municipal liability claim against Defendant Borough of Steelton be dismissed with prejudice pursuant to the screening requirements of the Prison Litigation Reform Act, 28 U.S.C. § 1915(e). (Doc. No. 16.) Magistrate Judge Blewitt found that Plaintiff, despite being granted leave to file an amended complaint, failed to allege any facts in support of a municipal liability claim in his amended complaint. (*Id.* at 7-9.) No timely objections have been filed.

ACCORDINGLY, on this 16th day of October 2012, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

1. Magistrate Judge Blewitt's Report and Recommendation (Doc. No. 16) is **ADOPTED**;
2. Plaintiff's municipal liability claim against Defendant Borough of Steelton is **DISMISSED WITH PREJUDICE**, and the Clerk of Court is directed to **TERMINATE** Defendant Borough of Steelton from this action;
3. In accordance with the Court's August 27, 2012 order, Plaintiff's Fourteenth Amendment failure-to-protect claim against Defendants Arthur G. Etnoyer and David Crawford is **ALLOWED TO PROCEED**; and

4. All further proceedings in this action are referred to Magistrate Judge Blewitt.

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