

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

JIMMIE LEE LARK,
Plaintiff

v.

SHERIFF DILLMAN, et al.,
Defendants

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No. 1:13-cv-335

(Chief Judge Kane)

(Magistrate Judge Blewitt)

ORDER

Before the Court is a March 5, 2013 Report and Recommendation of Magistrate Judge Blewitt. (Doc. No. 6.) In his Report and Recommendation, Magistrate Judge Blewitt recommends that the Court dismiss with prejudice Plaintiff's federal claims in his amended complaint (Doc. No. 2-3), decline to exercise supplemental jurisdiction over his remaining state-law claims, remand the case to the Lebanon County Court of Common Pleas, and deny as moot Defendants' motion to dismiss (Doc. No. 3). (Doc. No. 6 at 23.) No timely objections have been filed.¹

ACCORDINGLY, on this 25th day of March 2013, finding no error in Magistrate Judge Blewitt's Report and Recommendation, **IT IS HEREBY ORDERED THAT:**

1. The Court adopts the Report and Recommendation (Doc. No. 6) of Magistrate Judge Blewitt.
2. Plaintiff's Eighth Amendment claims raised in his amended complaint (Doc. 2-3)

¹ The Magistrate Act, 28 U.S.C. § 636, and Federal Rule of Civil Procedure 72(b), provide that any party may file written objections to a magistrate's proposed findings and recommendations. In deciding whether to accept, reject, or modify a Report and Recommendation, a court is to make a de novo determination of those portions to which objection is made. 28 U.S.C. § 636(b)(1).

are **DISMISSED WITH PREJUDICE**.

3. The Court declines to exercise supplemental jurisdiction over Plaintiff's remaining state-law claims.
4. The above-captioned case is **REMANDED** to the Lebanon County Court of Common Pleas with respect to Plaintiff's remaining claims.
5. Defendants' motion to dismiss (Doc. No. 3) is **DENIED AS MOOT**.
6. The Clerk of Court is directed to close the case.

s/ Yvette Kane
YVETTE KANE, Chief Judge
United States District Court
Middle District of Pennsylvania