

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

MATTHEW J. ROMERO, <u>et al.</u> ,	:	
	:	
Plaintiffs	:	CIVIL NO. 1:13-CV-00591
	:	
v.	:	(Judge Kane)
	:	
WARDEN ROY JOHNSON, <u>et al.</u> ,	:	
	:	
Defendants	:	

ORDER

NOW, THEREFORE, THIS 20th DAY OF MARCH, 2015, upon consideration of Defendants’ Motion to Dismiss (Doc. No. 47) and for the reasons set forth in the accompanying Memorandum, **IT IS HEREBY ORDERED THAT:**

- 1) The Motion to Dismiss is **GRANTED** in part and **DENIED** in part as follows:
  - a) Plaintiffs’ Fourteenth Amendment claim of denial of due process due to the denial of prison grievance forms is **DISMISSED** with prejudice.
  - b) Plaintiffs’ Fourteenth Amendment claim of racial discrimination is **DISMISSED** without prejudice.
  - c) Defendants’ motion to dismiss Plaintiffs’ Eighth Amendment claim of cruel and unusual punishment is **DENIED**.
  - d) Defendants’ motion to dismiss Plaintiffs’ First Amendment claim of retaliation is **DENIED**.

2) Defendants shall file an answer as to the remaining claims in the complaint within twenty (20) days from the date of this Order.

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