

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

|                          |   |                                     |
|--------------------------|---|-------------------------------------|
| <b>SHELDON STEPHENS,</b> | : | <b>CIVIL ACTION NO. 1:13-CV-712</b> |
|                          | : |                                     |
| <b>Plaintiff,</b>        | : | <b>(Chief Judge Conner)</b>         |
|                          | : |                                     |
| <b>v.</b>                | : |                                     |
|                          | : |                                     |
| <b>KEVIN CLASH,</b>      | : |                                     |
|                          | : |                                     |
| <b>Defendant.</b>        | : |                                     |

**ORDER**

AND NOW, this 18th day of November, 2013, upon consideration of the motion (Doc. 11) to transfer, stay, or dismiss the above-captioned action under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted, filed by defendant Kevin Clash, and for the reasons discussed in the accompanying Memorandum, it is hereby ORDERED that:

1. The motion to transfer or stay the action (Doc. 11) is deemed voluntarily WITHDRAWN.
2. Defendant's motion to dismiss (Doc. 11) is GRANTED with prejudice as to Counts II and III.
3. In light of the court's decision regarding Counts II and III, Plaintiff Sheldon Stephens shall file a brief regarding the issue of subject-matter jurisdiction over Count I by the close of business on **December 2, 2013**. Defendant shall file a brief in response on or before **December 9, 2013**. Plaintiff shall be permitted to file a brief in reply on or before **December 11, 2013**.

/S/ CHRISTOPHER C. CONNER \_\_\_\_\_  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania