

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

|                               |   |                                  |
|-------------------------------|---|----------------------------------|
| <b>CLARENCE ABNEY,</b>        | : |                                  |
| <b>Plaintiff</b>              | : | <b>No. 1:13-cv-01418</b>         |
|                               | : |                                  |
| <b>v.</b>                     | : | <b>(Judge Kane)</b>              |
|                               | : |                                  |
| <b>CALEB YOUNKER, et al.,</b> | : | <b>(Magistrate Judge Schwab)</b> |
| <b>Defendants</b>             | : |                                  |

**ORDER**

Before the Court is Magistrate Judge Schwab's Report and Recommendation (Doc. No. 47), recommending that the Court deny Defendants' motions to dismiss Plaintiff Clarence Abney's supervisory liability claims as set forth in Count V of his complaint, and state law tort claims as set forth in Counts VII through IX of his complaint. No timely objections have been filed. The Court finds no error in Magistrate Judge Schwab's recommendations, and will adopt her Report and Recommendation.

**ACCORDINGLY**, on this 7th day of March 2014, **IT IS HEREBY ORDERED THAT:**

1. Magistrate Judge Schwab's Report and Recommendation (Doc. No. 47) is **ADOPTED**;
2. Defendants' motion to partially dismiss the complaint (Doc. No. 10) is **DENIED**; and
3. All further proceedings in this matter including pending motions are referred to Magistrate Judge Schwab.

s/ Yvette Kane \_\_\_\_\_  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania