

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

GREGORY A. MILTON, :
Plaintiff : **No. 1:13-cv-02673**
: :
vs. : **(Judge Kane)**
: :
UNITED STATES BUREAU OF :
PRISONS, et al., :
Defendants :
:

ORDER

AND NOW, on this 28th day of March 2017, in accordance with the accompanying memorandum, **IT IS ORDERED THAT:**

1. Plaintiff's motion for reconsideration (Doc. Nos. 61, 64 at 1) is **GRANTED** as unopposed;
2. Defendants' motion to dismiss and for summary judgment (Doc. 33) is **GRANTED** as set forth below:
 - a. Plaintiff's claims against the John and Jane Doe Defendants are **DISMISSED WITH PREJUDICE**;
 - b. Plaintiff's claims against the Bureau of Prisons and the individual Defendants in their official capacities are **DISMISSED WITH PREJUDICE**;
 - c. Plaintiff's claims against Defendants with respect to June 2011 charges, the July 28, 2011 hearing, and the April 5, 2012 rehearing are **DISMISSED WITHOUT PREJUDICE** pursuant to Heck v. Humphrey;
 - d. Plaintiff's claims related to the alleged interference with his mail are **DISMISSED WITHOUT PREJUDICE**;
 - e. Plaintiff's claims against Defendants Samuels, Nalley and Norwood are **DISMISSED WITHOUT PREJUDICE** for failure to adequately allege supervisory liability;
 - f. Summary judgment is entered against Plaintiff and in favor of Defendants Nye, Johnson, Reeves, and Cerney on Plaintiff's due process claims relating to the January 2011 and March 2011 charges;

- g. The Clerk of Court shall enter judgment in favor of Defendants and against Plaintiff as set forth in subparagraph (f); and
- 3. Having found that granting leave to file an amended complaint is futile, the above-captioned action shall remain closed.

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