

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

JEROME MCINTYRE,	:	
Plaintiff,	:	1:14-cv-1425
	:	
v.	:	Hon. John E. Jones III
	:	
LT. KELLINGER,	:	
Defendant.	:	

ORDER

February 24, 2017

NOW THEREFORE, upon consideration of the motion (Doc. 31) for summary judgment pursuant to Federal Rule of Civil Procedure 56, and in accordance with the Court’s Memorandum of the same date, it is hereby

ORDERED that:

1. The motion (Doc. 31) for summary judgment is GRANTED. The Clerk of Court is directed to ENTER judgment in favor of Defendant Kensinger and against Plaintiff on Counts I and IV of the complaint.
2. Counts II and III against Kensinger and “unknown prison officials” is DISMISSED pursuant to 28 U.S.C. §1915(e)(2)(B)(ii).
3. The Court declines to exercise supplemental jurisdiction over the Plaintiff’s state law claims found at Counts V-VIII. 28 U.S.C. § 1367(c)(3).
4. Plaintiff’s motion (Doc. 44) to amend is DENIED.
5. The Clerk of Court is directed to CLOSE this case.

6. Any appeal from this order is deemed frivolous and not in good faith.
See 28 U.S.C. § 1915(a)(3).

s/ John E. Jones III
John E. Jones III
United States District Judge