

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

CHRISTIAN M. SMITHSON,	:	
Plaintiff	:	
	:	No. 1:14-cv-1866
v.	:	
	:	
MARIAH BRITTANY RIZZO, <u>et al.</u>,	:	(Judge Kane)
Defendants	:	

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CHRISTIAN M. SMITHSON,	:	
Plaintiff	:	
	:	No. 1:14-cv-1867
v.	:	
	:	
TROOPER BURNHAM, <u>et al.</u>,	:	(Judge Kane)
Defendants	:	

ORDER

AND NOW, on this 7th day of April 2015, **IT IS HEREBY ORDERED THAT:**

1. Magistrate Judge Blewitt's Report and Recommendation (No. 14-1866, Doc. No. 21; No. 14-1867, Doc. No. 19) is **ADOPTED**;
2. Plaintiff's objections (No. 14-1866, Doc. No. 24) are **OVERRULED**;
3. The Clerk of Court is directed to consolidate the case docketed as Civil Action No. 1:14-cv-1867 into the case docketed as Civil Action No. 1:14-cv-1866, and to close the case docketed as Civil Action No. 1:14-cv-1867;
4. Defendants' motions to dismiss (No. 14-1866, Doc. No. 2; No. 14-1867, Doc. No. 2) are **GRANTED AS FOLLOWS**:
 - a. Plaintiff's claims against the Pennsylvania State Police and for money damages under the Pennsylvania Constitution are **DISMISSED WITH PREJUDICE**;
 - b. The remainder of Plaintiff's claims are **DISMISSED WITHOUT**

PREJUDICE;

5. Plaintiff's motions for summary judgment (No. 14-1866, Doc. No. 13; No. 14-1867, Doc. No. 11) are **DENIED**;
6. Plaintiff's motions requesting that the Court hold a hearing (No. 14-1866, Doc. No. 30; No. 14-1867, Doc. Nos. 22, 27) are **DENIED**;
7. Plaintiff's motions to remove mistitled earlier motions requesting habeas relief (No. 14-1866, Doc. No. 29; No. 14-1867, Doc. No. 26) are **DENIED AS MOOT**;
8. Defendants' motions to stay summary judgment (No. 14-1866, Doc. Nos. 15, 18; No. 14-1867, Doc. Nos. 13, 16) are **DENIED AS MOOT**;
9. Plaintiff's motions to remove Defendant York County Public Defender's Office (No. 14-1866, Doc. Nos. 25, 28; No. 14-1867, Doc. No. 22) are **DENIED AS MOOT**;
10. Plaintiff's motion to exceed page limitation (No. 14-1866, Doc. No. 23) is **DENIED AS MOOT**; and,
11. The Clerk of Court is also directed to close the consolidated case docketed at Civil Action No. 1:14-cv-1866.

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