

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

ANTHONY L. LIVINGSTON,	:	
Plaintiff,	:	1:16-cv-0039
	:	
v.	:	Hon. John E. Jones III
	:	
LIEUTENANT SHERMAN, et al.,	:	
Defendants.	:	

**ORDER**

**March 1, 2017**

NOW THEREFORE, upon consideration of the motion (Doc. 16) to dismiss or, in the alternative 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. 16) for summary judgment is GRANTED. The Clerk of Court is directed to ENTER judgment in favor of Defendants and against Plaintiff.
2. Plaintiff's motion (Doc. 29) for appointment of counsel is DENIED.
3. The Clerk of Court is directed to CLOSE this case.
4. 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  
John E. Jones III  
United States District Judge