UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

IVAN WHITE,   :
     Plaintiff   :
                                        :
    v.   : CASE NO. 1:16-CV-675
                                        :
DARRELL WIREMAN, *et al.*,   :
    Defendants   :

O R D E R

AND NOW, this 19th day of May, 2017, in accord with the accompanying

memorandum, upon consideration of the March 1, 2017 report and recommendation (Doc.

13) of Magistrate Judge Joseph F. Saporito, Jr., after consideration of Plaintiff's

objections, and after independent review of the record, it is ORDERED that:

(1) Defendants' motion to dismiss (Doc. 5) is GRANTED IN PART and
DENIED IN PART.

(2) Plaintiff's claims in Counts 2, 3, 4, 9, and 10 of the complaint are
DISMISSED for failure to state a claim upon which relief can be
granted, pursuant to Federal Rule of Civil Procedure 12(b)(6).

(3) All claims in Count 1 as to defendant Smith are DISMISSED for
failure to state a claim upon which relief can be granted, pursuant to
42 U.S.C. § 1997e(c)(1).

(4) Plaintiff's § 1981 claims in Count 1 are DISMISSED as to defendants
Duvall and Eckard for failure to state a claim upon which relief can be
granted, pursuant to Federal Rule of Civil Procedure 12(b)(6).

(5) Plaintiff's First Amendment Free Speech Clause retaliation claim in
Count 1 is DISMISSED as to defendants Duvall and Eckard for failure
to state a claim upon which relief can be granted, pursuant to Federal
Rule of Civil Procedure 12(b)(6).

(6) Plaintiff's First Amendment Free Speech Clause claim in Count 1 regarding interference with attorney communication may proceed as stated against defendants Duvall and Eckard.

(7) Plaintiff's claims in Counts 5, 6, 7, 8, and 11 may proceed as stated in the complaint.

(8) Plaintiff is granted leave to amend any and all dismissed claims or portions thereof. Plaintiff shall file his amended complaint within **twenty-one (21) days** of the date of this order.

(9) This matter is REMANDED to Magistrate Judge Joseph F. Saporito, Jr. for further proceedings.

/s/ William W. Caldwell
William W. Caldwell
United States District Judge