

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>IVAN WHITE,</b>	:	
	:	
<b>Plaintiff</b>	:	
	:	<b>CIVIL ACTION NO. 1:16-0675</b>
<b>v.</b>	:	
	:	<b>(Judge Mannion)</b>
<b>DARRELL WIREMAN, et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**O R D E R**

Upon consideration of the well-reasoned February 8, 2018 report and recommendations (Doc. 33) of Magistrate Judge Martin C. Carlson, and in light of the fact that no objections thereto have been filed, and after independent review of the record, **THEREFORE, WITHOUT OBJECTION IT IS HEREBY**

**ORDERED THAT:**

1. Judge Carlson's report (Doc. 33) is **ADOPTED**.
2. Defendants' motion to dismiss (Doc. 28) for failure to state a claim upon which relief can be granted is **GRANTED in part and DENIED in part**.
3. The motion to dismiss is **GRANTED** insofar as Count 10 of the second amended complaint (Doc. 27), claiming violations of the Religious Freedom Restoration Act, is **DISMISSED** with prejudice.

4. The motion to dismiss is **DENIED** with respect to Counts 1, 2, and 3 of the second amended complaint.
5. This matter is **REMANDED** to Magistrate Judge Martin C. Carlson for further proceedings.

*s/ Malachy E. Mannion*  
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**MALACHY E. MANNION**  
**United States District Judge**

**Dated: March 12, 2018**

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