

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

<b>VERNON BRADLEY,</b>	:	
	:	
<b>Plaintiff</b>	:	
	:	<b>No. 1:16-CV-00962</b>
<b>vs.</b>	:	
	:	<b>(Judge Rambo)</b>
<b>JOSHUA SPELAS, et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

**AND NOW, THIS 28<sup>th</sup>** day of June, 2017, in consideration of Defendants' motion to dismiss, or in the alternative, for summary judgment (Doc. No. 25), and in accordance with the accompanying Memorandum, **IT IS ORDERED THAT:**

1. Defendants' motion to dismiss, or in the alternative, for summary judgment (Doc. No. 25) is **GRANTED in part and DENIED in part;**
2. Defendants' motion is **GRANTED** as to Defendants Sgt. Heath, Lt. Lowry, and C.O. Heverly, and they are dismissed from this action;
3. Judgment will be entered in favor of Defendants Sgt. Heath, Lt. Lowry, and C.O. Heverly;
4. Defendants' motion is **FURTHER GRANTED** as to all claims of verbal harassment against Defendants C.O. Spelas, C.O. Rains, C.O. Rogers, and C.O. Rothrock; as to the claims of placing tobacco chew in Plaintiff's

- meal tray against Defendants C.O. Spelas and C.O. Rains; and as to the claim of denial of access to the exercise yard and showers against Defendant C.O. Rains;
5. Plaintiff's Eighth Amendment claim against C.O. Spelas, C.O. Rains, and C.O. Rogers for banging on the property room gate outside of Plaintiff's cell is **DISMISSED** pursuant to the screening provisions of the PLRA for failure to state a claim;
  6. Judgment will be entered in favor of Defendants C.O. Spelas, C.O. Rains, and C.O. Rogers;
  7. Defendants' motion is **DENIED** as to the claim against C.O. Rothrock that he pushed Plaintiff down the stairs;
  8. **IT IS FURTHER ORDERED THAT** the remaining Defendant, C.O. Rothrock, in this action shall file an Answer to Plaintiff's Complaint within twenty-one (21) days of the date of this Order;
  9. The Clerk of Court is **DIRECTED** to **DEFER** the entry of judgment until the conclusion of this case.

s/Sylvia H. Rambo  
SYLVIA H. RAMBO  
United States District Judge

Dated: June 28, 2017