

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

DOMINIQUE DIORIO,
Plaintiff

v.

SUPERINTENDENT LAUREL R.
HARRY, *et al.*,
Defendants

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:
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:
: CASE NO. 1:16-CV-1678
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O R D E R

AND NOW, this 25th day of July, 2017, upon consideration of the report and recommendation of Magistrate Judge Karoline Mehalchick (Doc. 23), filed on June 5, 2017, to which no objections were filed, and upon independent review of the record, it is ORDERED that:

1. Judge Mehalchick's report is ADOPTED.
2. Counts IV and V of the complaint (Doc. 1) are DISMISSED. Leave to amend is granted.¹ If Plaintiff desires to amend her complaint regarding Counts IV and V, she must do so within fourteen (14) days of the date of this order.
3. This case is REMANDED to Judge Mehalchick for further proceedings.

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

¹ See Fletcher-Harlee Corp. v. Pote Concrete Contractors, Inc., 482 F.3d 247, 251 (3d Cir. 2007) (explaining that in civil rights cases, leave to amend—even if not requested—should be given unless amendment would be futile or granting leave would be inequitable).