

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

JUAN DIAZ, JR., :
Plaintiff, : 1:16-cv-1905
: :
v. : Hon. John E. Jones III
: :
KEVIN PIGOS, DOCTOR/ :
CLINICAL DIRECTOR, *et al.*, :
Defendants. :
:

ORDER

September 27, 2017

NOW THEREFORE, upon consideration of Defendants' motion (Doc. 10) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) and for summary judgment pursuant to Federal Rule of Civil Procedure 56, and for the reasons set forth in the Court's Memorandum of the same date, it is hereby ORDERED that:

1. Defendants' motion (Doc. 10) to dismiss is GRANTED in part and DENIED in part.
 - a. The motion is GRANTED with respect to Defendants' official capacity argument.
 - b. The motion is DENIED in all other respects.
2. Defendants' motion (Doc. 10) for summary judgment is GRANTED. The Clerk of Court is directed to ENTER judgment in favor of Defendants and against Plaintiff.
3. The Clerk of Court is further 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 III
John E. Jones III
United States District Judge