

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

<b>GABRIEL ROSA-DIAZ,</b>	:	<b>Civil No. 1:16-cv-2303</b>
	:	
<b>Plaintiff,</b>	:	
	:	
v.	:	
	:	<b>Magistrate Judge Carlson</b>
<b>LAUREL HARRY, et al.,</b>	:	
	:	<b>Judge Sylvia H. Rambo</b>
<b>Defendant.</b>	:	

**ORDER**

**AND NOW**, this 6<sup>th</sup> day of April, 2017, **IT IS HEREBY ORDERED**

**AS FOLLOWS:**

1. The report and recommendation of the magistrate judge (Doc. 17) is **ADOPTED**.
2. The complaint is dismissed with respect to supervisory defendants Zobitne, Moore, Heist, Harry and Woodside.
3. The Eighth Amendment conditions of confinement claims against defendants Tobias, Weiss, Horner, Gouse and Maxwell, as set forth in paragraphs 127-140 of the amended complaint, are dismissed.
4. This action shall proceed against Defendants Alieniello, Arnold, Dempsey, J. Digby, R. Gimble, Iachini, Johnson, McBeth, Rost, Walsh, and A. Woods.
5. As expeditiously as possible, the Clerk of Court is specially appointed to serve a copy of the complaint, notice of lawsuit and request for waiver of service of summons, waiver, and this order on each defendant. The court requests that defendants cooperate in efforts to simplify case administration by waiving service pursuant to Federal Rule

of Civil Procedure 4(d).<sup>1</sup> The waiver requests shall inform the defendants both of the consequences of compliance and of failure to comply with the requests. The defendants are permitted 30 days from the date the waiver requests are sent (60 days if addressed outside any judicial district of the United States) to return the signed waivers or electronically file them in the court's Electronic Case Filing (ECF) system. If a signed waiver is not returned or electronically filed with the required time, an order shall be issued directing the Clerk's office to transmit the summons and a copy of the complaint to the U.S. Marshals Service for immediate service under Federal Rule of Civil Procedure 4(c)(1).

6. The plaintiff shall immediately advise the court of any change in address. Failure to do so may result in dismissal for failure to prosecute if the court and other parties are unable to serve pleadings, orders and other documents upon plaintiff.

s/Sylvia H. Rambo

SYLVIA H. RAMBO

United States District Judge

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<sup>1</sup> The intent of this order is to administer this matter in a manner consistent with Federal Rule of Civil Procedure 1, "to secure the just, speedy, and inexpensive determination of every action."