

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

MAURICE STROMAN,	:	CIVIL NO. 1:16-CV-2543
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
JOHN WETZEL, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 26th day of February, 2019, upon consideration of defendants' motion (Doc. 41) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) or, in the alternative, 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. The motion (Doc. 41) for summary judgment on the ground of failure to exhaust is GRANTED in part and DENIED in part as follows:
 - a. The motion is GRANTED with respect to the claims in grievance number 622195 based on plaintiff's failure to exhaust the available administrative remedies. Entry of judgment is deferred pending further order of court.
 - b. The motion is DENIED based on failure to exhaust the claims against Wetzel, Tice, and Eberling.
2. The motion (Doc. 41) to dismiss is GRANTED as follows:
 - a. The motion is GRANTED with respect to the claims against defendants Wetzel and Tice based on lack of personal involvement. The Clerk of Court is directed to TERMINATE John Wetzel and Eric Tice as parties to this action.

- b. The motion is GRANTED with respect to plaintiff's First, Fifth, and Fourteenth Amendment claims, official capacity claims, and state law claim of defamation. These claims are DISMISSED in their entirety.
3. Defendants Eberling and Hemcher shall file an answer to the remaining claims in plaintiff's amended complaint (Doc. 37) or appropriate pretrial motion on or before March 14, 2019.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania