

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

**RICHARD SEARS,**  
Plaintiff

v.

**DANTE MCCOY, et al.,**  
Defendants

:  
:  
:  
:  
:  
:  
:

**No. 1:17-cv-00869**

**(Judge Kane)**

**ORDER**

**AND NOW**, on this 30th day of November 2023, upon consideration of the docket in the above-captioned action, which reflects Plaintiff Richard Sears (“Plaintiff”)’s failure to prosecute, and in accordance with the accompanying Memorandum, **IT IS ORDERED THAT:**

1. Plaintiff’s surviving First Amendment retaliation claims against Defendant Dante McCoy (“Defendant McCoy”) are **DISMISSED WITH PREJUDICE** pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, see Fed. R. Civ. P. 41(b);
2. The Clerk of Court is directed to **ENTER JUDGMENT** in favor of Defendant McCoy and against Plaintiff on Plaintiff’s state law tort claims, see (Doc. No. 62 ¶ 1(b)); and
3. The Clerk of Court is directed to **CLOSE** this case.

s/ Yvette Kane \_\_\_\_\_  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania