

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

RONALD HOWARD, JR.,
Plaintiff

v.

DANIEL HOLLENBAUGH and
JOSHUA A. FITTING,
Defendants

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No. 1:20-cv-00845

(Judge Kane)

ORDER

AND NOW, on this 16th day of February 2021, in accordance with the accompanying Memorandum, **IT IS ORDERED THAT:**

1. Plaintiff Ronald Howard (“Plaintiff”)’s Motion for Leave to File Sur-Reply (Doc. No. 29) is **DEEMED WITHDRAWN**;
2. Defendant Joshua Fitting (“Defendant Fitting”)’s Motion to Strike Plaintiff’s Sur-Reply (Doc. No. 27) is **DEEMED WITHDRAWN**;
3. Defendant Fitting’s Motion to Dismiss count 2 of Plaintiff’s First Amended Complaint (Doc. No. 21) is **GRANTED**, and count 2 of the First Amended Complaint is **DISMISSED WITHOUT PREJUDICE**; and
4. Within fourteen (14) days of the date of this Order, Plaintiff may file a Second Amended Complaint to attempt to address the pleading deficiencies identified in the accompanying Memorandum.

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