

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

FILED  
SCRANTON

AUG 06 2012

NATHANIEL L. ADDERLY,

Plaintiff

v.

C.O. EIDEM, et al.,

Defendants

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CIVIL NO. 3:CV-11-0694

(Judge Kosik)

PER

DEPUTY CLERK

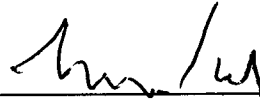
ORDER

NOW, THIS <sup>6<sup>th</sup></sup> DAY OF AUGUST, 2012, in accordance with the

foregoing Memorandum, **IT IS HEREBY ORDERED AS FOLLOWS:**

1. Defendants' motion to dismiss portions of the complaint (Doc. 11) is **granted**. Specifically, the claims against Defendants Eidem, Cowher, Glenn, Saxton, Balonis, Reno, Alshefski, Resendes, Popson, Wenerowicz, Kovalchik, Derfler, Shannon, Braim, Damitter, Alberts, Jacobs, Svab and Dando are dismissed in accordance with the attached Memorandum, however Plaintiff will be permitted to submit an amended complaint with respect to claims raised against them. All claims set forth against Defendant Varner are dismissed, and said Defendant is dismissed from this action. The Eighth Amendment claim against Defendant Kufro is also dismissed, as well as all claims set forth in the complaint arising prior to April 10, 2009. In addition, all requests for declaratory and injunctive relief are dismissed as moot.
2. Plaintiff will be afforded fifteen (15) days within which to submit an amended complaint in strict accordance with the foregoing

Memorandum. He is reminded that the amended complaint must include all claims going forward in this action. The failure to submit an amended complaint will result in the case proceeding only on Plaintiff's Eighth Amendment claim against Defendant Weidow and his retaliation claim against Defendant Kufro.



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EDWIN M. KOSIK  
United States District Judge