

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

MICHAEL BANKOFF,  
Plaintiff

No. 3:11cv1754

(Judge Munley)  
(Magistrate Judge Carlson)

v.

LT. HASS and CAPTAIN OF FCI  
ALLENWOOD,  
Defendants

ORDER

AND NOW, to wit, this 18<sup>th</sup> day of October 2011, the report and  
recommendation (Doc. 3) of Magistrate Judge Carlson is **ADOPTED IN PART** and  
**REJECTED IN PART** as follows:

1. Plaintiff's motion to proceed *in forma pauperis* (Doc. 2) is hereby  
**GRANTED**;
2. The recommendation that plaintiff's complaint be dismissed without  
prejudice is **REJECTED AS MOOT** because plaintiff has filed an amended  
complaint (Doc. 5).

The case, including plaintiff's motion to appoint counsel (Doc. 4), is **REMANDED** to  
Magistrate Judge Carlson for further proceedings consistent with this opinion.

BY THE COURT:

  
JUDGE JAMES M. MUNLEY  
United States District Court