

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

WHITEY-TAMATUMUA CHEN,	:	
Plaintiff	:	
	:	CIVIL NO. 3:12-CV-1817
v.	:	
	:	(JUDGE NEALON)
WARDEN RONNIE HOLT, <u>ET AL.</u> ,	:	(MAGISTRATE JUDGE CARLSON)
Defendants	:	

ORDER

NOW, THIS 29th DAY OF JANUARY, 2013, for the reasons set forth in the

Memorandum issued this date, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation (Doc. 8) is **ADOPTED**;
2. The complaint, (Doc. 1), is **DISMISSED**;
3. Plaintiff's motion for leave to file an amended complaint, (Doc. 12), is **GRANTED**;
4. The Clerk of Courts is directed to **REDOCKET** Plaintiff's motion for leave to file an amended complaint, (Doc. 12), as an amended complaint;
5. Plaintiff's motion for leave to proceed in forma pauperis, (Doc. 2), is **GRANTED**;
6. This matter is **REMANDED** to Magistrate Judge Carlson for further proceedings; and
7. Any appeal will be deemed frivolous, without probable cause, and not taken in good faith.

**FILED
SCRANTON**

JAN 29 2013


United States District Judge

PER M. B. I.
DEPUTY CLERK