

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

CHARLES REUBEN FUNK, :
 Plaintiff :
 :
 v. : CIVIL NO. 3:12-CV-2282
 :
 WARDEN DOMINICK DEROSE, : (JUDGE NEALON)
 Defendant : (MAGISTRATE JUDGE BLEWITT)

CHARLES REUBEN FUNK, :
 Plaintiff :
 :
 v. : CIVIL NO. 3:12-CV-2327 ✓
 :
 DEPUTY WARDEN ELIZABETH : (JUDGE NEALON)
 NICHOLS, : (MAGISTRATE JUDGE BLEWITT)
 Defendant :

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CHARLES REUBEN FUNK, :
 Plaintiff :
 :
 v. : CIVIL NO. 3:12-CV-2339
 :
 WARDEN DOMINIC DEROSE, : (JUDGE NEALON)
 Defendant : (MAGISTRATE JUDGE BLEWITT)

ORDER

AND NOW, THIS 31ST 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 is **ADOPTED**;
2. The Clerk of Court is instructed to **CONSOLIDATE** the cases docketed at Civil No. 12-2327 and Civil No. 12-2339 into Civil No. 12-2282; and to **CLOSE** Civil No. 12-2327 and Civil No. 12-2339;
3. Plaintiff's request for compensatory damages against Defendants in their official capacities is **DISMISSED with prejudice**;

4. The consolidated case, Civil No. 12-2282, is **DISMISSED without prejudice** for Plaintiff's failure to exhaust administrative remedies;
5. The Clerk of Court shall **CLOSE** the consolidated case at Civil No. 12-2282;
6. Plaintiff's motion for leave to proceed in forma pauperis, (Doc. 2), filed in the consolidated case, Civil No. 12-2282, is **GRANTED** solely for the purposes of filing this action; and
7. Any appeal will be deemed frivolous, lacking merit, and not taken in good faith.



United States District Judge