Gutierrez-Castro v. United States Of America Doc. 12

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSE GUTIERREZ-CASTRO	:	
Plaintiff	:	
v.	:	**3:12-CV-2608**
	:	**(JUDGE MARIANI)**
UNITED STATES OF AMERICA	:	
Defendant	:	

FILED
SCRANTON
FEB 13 2013
PER
DEPUTY CLERK

ORDER

AND NOW, THIS 12TH DAY OF FEBRUARY, 2013, upon review of Magistrate Judge Carlson's Report and Recommendation (Doc. 8) for clear error or manifest injustice,

IT IS HEREBY ORDERED THAT:

1. The Report & Recommendation (Doc. 8) is **ADOPTED**.
2. Plaintiff's Motion for Leave to Proceed *in Forma Pauperis* (Doc. 2) is **GRANTED**.
3. Plaintiff's Complaint (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**. Plaintiff shall be granted leave to file an Amended Complaint alleging facts in support of his Federal Tort Claims Act claim.
4. Plaintiff already having filed an Amended Complaint (Doc. 9), the case is remanded to Judge Carlson for re-screening pursuant to 28 U.S.C. § 1915(e).

Robert D. Mariani
United States District Judge

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