

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

|                         |   |                           |
|-------------------------|---|---------------------------|
| KELVIN TOWNSEND,        | : |                           |
| Plaintiff               | : |                           |
|                         | : | CIVIL NO. 3:13-CV-0758    |
| v.                      | : |                           |
|                         | : | (JUDGE NEALON)            |
| RONNIE R. HOLT, WARDEN, | : | (MAGISTRATE JUDGE SCHWAB) |
| <u>ET AL.</u> ,         | : |                           |
| Defendants              | : |                           |

**ORDER**

**NOW, THIS 28<sup>TH</sup> DAY OF SEPTEMBER, 2015**, for the reasons set forth in the Memorandum issued this date, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation, (Doc. 84), is **ADOPTED IN PART**;
2. Defendants' motion to dismiss the amended complaint under Rule 12(b)(6) of the Federal Rules of Civil Procedure, (Doc. 67), is **GRANTED**;
3. Defendants' motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure is **DISMISSED AS MOOT**.
4. Plaintiff's claims against all Defendants are **DISMISSED WITH PREJUDICE**; and
5. The Clerk of Court is directed to **CLOSE** this case.

/s/ William J. Nealon  
**United States District Judge**