

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MELVIN TURNER, Plaintiff v. UNITED STATES OF AMERICA, ET AL., Defendants CIVIL ACTION NO. 3:13-CV-848 (JUDGE NEALON) (MAGISTRATE JUDGE BLEWITT)

ORDER

NOW, THIS 31st DAY OF JULY, 2013, for the reasons set forth in the Memorandum issued this date, IT IS HEREBY ORDERED THAT:

- 1. The Report and Recommendation, (Doc. 9), is ADOPTED: A. Defendant United States and the two unnamed inmates are DISMISSED with prejudice; B. The Complaint, (Doc. 1), is DISMISSED without prejudice for failure to exhaust; C. Plaintiff's motion for leave to proceed in forma pauperis, (Doc. 2), is GRANTED for the sole purpose of filing this action; 2. Plaintiff's motion to appoint counsel, (Doc. 15), is DENIED; 3. The Clerk of Court is directed to CLOSE this case; and 4. Any appeal will be deemed frivolous, lacking merit, and not taken in good faith.

United States District Judge (with signature)

FILED SCRANTON

JUL 31 2013

PER DEPUTY CLERK (with signature)