

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

VICTOR ORTEGA,

Plaintiff,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

CIVIL ACTION NO. 3:13-CV-860

(JUDGE CAPUTO)

(MAGISTRATE JUDGE SCHWAB)

ORDER

NOW, this 6th day of March, 2014, upon review of the Report and Recommendation of Magistrate Judge Schwab (Doc. 37) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that the Report & Recommendation (Doc. 37) is **ADOPTED** as follows:

- (1) Plaintiff's motion to withdraw his *Bivens* claims (Doc. 33) is **GRANTED**.
- (2) Defendants' motion to dismiss and for summary judgment (Doc. 21) is **GRANTED in part** and **DENIED in part**. Defendants motion to dismiss the FTCA claims against all Defendants except the United States is **GRANTED** and the FTCA claims against those Defendants are **DISMISSED with prejudice**. Defendants' motion for summary judgment on Plaintiff's FTCA claim against the United States is **DENIED**.
- (3) The matter is **RECOMMENDED** to Magistrate Judge Schwab for further proceedings.



A. Richard Caputo
United States District Judge