

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>MELVIN TURNER,</b>	:	
<b>Plaintiff</b>	:	<b>CIVIL ACTION NO. 3:13-872</b>
<b>v.</b>	:	<b>(MANNION, D.J.) (CARLSON, M.J.)</b>
<b>RAFEL LOPEZ, et al.,</b>	:	
<b>Defendants</b>	:	

**ORDER**

For the reasons stated in the court's memorandum issued this same day, **IT IS HEREBY ORDERED THAT:**

(1) Judge Carlson's report and recommendation, (Doc. No. 34), is

**ADOPTED IN FULL;**

(2) The defendant's motion to dismiss is **GRANTED;**

(3) The plaintiff's Eighth Amendment claim brought pursuant to 42

U.S.C. §1983 is **DISMISSED WITH PREJUDICE;**

(4) All other state law claims are **DISMISSED WITHOUT**

**PREJUDICE;**

(5) The Clerk is directed to close this case.

*s/ Malachy E. Mannion*  
**MALACHY E. MANNION**  
United States District Judge

**Date: December 9, 2013**

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