

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSHUA PAYNE, Plaintiff
v.
C/O DUNCAN, et al., Defendants
CIVIL NO. 3:13-cv-2203
(Judge Mariani)

ORDER

NOW, THIS 23rd DAY OF APRIL, 2014, in accordance with the Memorandum issued this date, IT IS HEREBY ORDERED THAT:

- 1. The partial motion to dismiss (Doc. 14) is GRANTED:
A. Defendants Whalen and Huber are DISMISSED from the Complaint entirely and the Clerk of Court is directed to TERMINATE them as parties to this action;
B. Plaintiff is permitted to proceed with his claim of retaliation against Defendants Duncan and Ziegler related to the cell search; and,
C. All other claims in the Complaint are DISMISSED.
2. Any appeal will be deemed frivolous, lacking merit, and not taken in good faith.

[Handwritten Signature]
United States District Judge