

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

THOMAS WISNIEWSKI,	:	
Plaintiff	:	CIVIL ACTION NO. 3:13-2642
v.	:	
JON D. FISHER, <u>et al.</u>,	:	(JUDGE MANNION)
Defendants	:	

ORDER

In light of the memorandum issued this same day, **IT IS HEREBY ORDERED THAT:**

- (1) the plaintiff's objections to the report of Judge Mehalchick, **(Doc. 38)**, are **OVERRULED**;
- (2) the report of Judge Mehalchick recommending that the defendants' motion to dismiss be granted on the bases that all of the plaintiff's claims arising out of events occurring more than two years before the date this action was filed are barred by the applicable statute of limitations and that the plaintiff's remaining First Amendment retaliation claims regarding the photocopy machine and his removal from his prison employment fail to state a claim upon which relief can be granted, **(Doc. 33)**, is **ADOPTED IN ITS ENTIRETY**;
- (3) the defendants' motion to dismiss the plaintiff's amended complaint, **(Doc. 23)**, is **GRANTED**;

- (4) the plaintiff's amended complaint, (**Doc. 12**), is **DISMISSED WITH PREJUDICE**; and
- (5) the Clerk of Court is directed to **CLOSE THIS CASE**.

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

Date: September 29, 2014

O:\Mannion\shared\MEMORANDA - DJ\CIVIL MEMORANDA\2013 MEMORANDA\13-2642-01-ORDER.wpd