

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

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|--------------------------------|---|-----------------------------------|
| ALFONSO RIZZUTO, JR., | : | |
| | : | |
| Plaintiff | : | CIVIL ACTION NO. 3:14-0020 |
| | : | |
| v. | : | (JUDGE MANNION) |
| | : | |
| JOHN E. WETZEL, et al., | : | |
| | : | |
| Defendants | : | |

ORDER

For the reasons set forth in the Memorandum of this date, **IT IS**

HEREBY ORDERED THAT:

1. Plaintiff's action is **DISMISSED** pursuant to [Federal Rule of Civil Procedure 41\(b\)](#) for failure to prosecute. [Poulis v. State Farm Fire and Casualty Co., 747 F.2d 863, 868 \(3d Cir. 1984\)](#).
2. The Clerk of Court is directed to **CLOSE** this case.
3. Any appeal taken from this order will be deemed frivolous, without probable cause, and not taken in good faith. See [28 U.S.C. §1915\(a\)\(3\)](#).

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

Date: September 29, 2016

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