

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

<p><b>RICHARD P. KAPLAN,</b></p> <p style="padding-left: 40px;"><b>Plaintiff</b></p> <p style="text-align: center;"><b>v.</b></p> <p><b>MR. EBERT, <u>et al.</u>,</b></p> <p style="padding-left: 40px;"><b>Defendants</b></p>	<p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p>	<p style="text-align: right;"><b>CIVIL ACTION NO. 3:14-0605</b></p> <p style="text-align: right;"><b>(JUDGE MANNION)</b></p>
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**ORDER**

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

**ORDERED THAT:**

1. Defendants' motion to dismiss and for summary judgment (Doc. [28](#)) is **GRANTED**. Judgment is hereby entered in favor of the Defendants and against the Plaintiff.
2. Plaintiff's motion for an order compelling Defendants to file an answer to Plaintiff's pleadings (Doc. [35](#)), motion to compel discovery (Doc. [36](#)) and motion for default judgment (Doc. [37](#)), all filed on July 9, 2015, are **MOOT** and also deemed **WITHDRAWN** for failure to file a brief in support, in accordance with M.D. Pa. Local Rule 7.5.
3. Plaintiff's motion for emergency injunction (Doc. [38](#)) and motion for hearing on motion for emergency injunction (Doc. [39](#)) are **DENIED**.
4. The Clerk of Court is directed to **CLOSE** this case.
5. 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**

**Dated:** September 30, 2015

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