

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA


JEREMY SMITH,	:	
Plaintiff,	:	Civil Action No. 3:14-cv-1340
	:	
v.	:	(Judge Mariani)
	:	
THOMAS, <i>et al.</i> ,	:	
Defendants.	:	

**ORDER**

**AND NOW**, this 30<sup>th</sup> day of September, 2015, upon consideration of Defendants' motion (Doc. 36) to dismiss or, in the alternative, for summary judgment, and for the reasons set forth in the Court's Memorandum of the same date, **IT IS HEREBY ORDERED**

**THAT:**

1. Defendants' motion (Doc. 36) to dismiss the complaint for failure to exhaust administrative remedies is **GRANTED**.
2. The complaint against C. Johnson, J. Cardonas, and Fisher is **DISMISSED** pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. See FED. R. Civ. P. 4(m).
3. All other pending motions are **DISMISSED**. (Docs. 40, 44).
4. The Clerk of Court is directed to **CLOSE** this action.
5. Any appeal from this Order is **DEEMED** frivolous and not in good faith. See 28 U.S.C. § 1915(a)(3).

  
Robert D. Mariani  
United States District Judge