

THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM BURRELL, JR.,

Plaintiff,

v.

PATRICK LOUNGO, et al.,

Defendants.

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3:14-CV-1891  
(JUDGE MARIANI)

FILED  
SCRANTON

FEB 23 2017

ORDER

PER

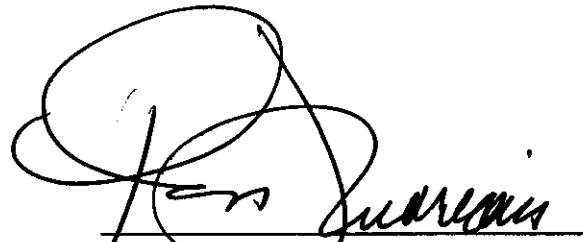
  
DEPUTY CLERK

The background of this Order is as follows:

On September 29, 2014, Plaintiff filed a Complaint, (Doc. 1), in the above captioned case. On December 19, 2014, Plaintiff filed an Amended Complaint, (Doc. 11). On July 18, 2016, Magistrate Judge Saporito issued a Report and Recommendation, (Doc. 34), which recommended that Plaintiff's Amended Complaint be dismissed. By Order dated December 8, 2016, this Court adopted the Report and Recommendation and dismissed Plaintiff's Complaint without prejudice with leave to file a second amended complaint within twenty-one days. (Doc. 44). On December 22, 2016, Plaintiff appealed this Court's Order. (Doc. 45). On January 18, 2017, Plaintiff submitted a "Notice of Intent to Stand on Amended Complaint" in which Plaintiff stated he would not be amending his complaint because he was confident that he adequately stated a claim for relief. In light of Plaintiff's filing, Magistrate Judge Saporito then issued another Report and Recommendation, (Doc. 50), recommending dismissal.

ACCORDINGLY, THIS 22<sup>nd</sup> DAY OF FEBRUARY, 2017, upon review of Magistrate Judge Saporito's Report and Recommendation, (Doc. 50), for clear error and manifest injustice, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation (Doc. 50), is **ADOPTED** for the reasons discussed therein.
2. Plaintiff's Amended Complaint, (Doc. 11), is **DISMISSED** in accordance with the Report and Recommendation, (Doc. 50).
3. The Clerk of the Court is directed to **CLOSE** this case.

A handwritten signature in black ink, appearing to read "Robert D. Mariani", is written over a horizontal line. The signature is stylized and somewhat cursive.

Robert D. Mariani  
United States District Judge