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

JAY KRUISE,

Plaintiff,

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3:14-CV-01937

(JUDGE MARIANI)

UNITED STATES DEPARTMENT

OF THE ARMY, et al.,

Defendants.

<u>ORDER</u>

AND NOW, THIS / DAY OF APRIL, 2015, upon review of Magistrate Judge

Mehalchick's Report and Recommendation for clear error and manifest injustice, IT IS

HEREBY ORDERED THAT:

- 1. The Report and Recommendation (Doc. 7) is **ADOPTED**, for the reasons stated therein.
- 2. Plaintiff's "Notice of Withdrawal" (Doc. 6) is **CONSTRUED** as a Notice of Voluntary Dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i).
- 3. The action is **DISMISSED WITHOUT PREJUDICE**.
- 4. Plaintiff's Motion to Appoint Counsel (Doc. 3) is **DENIED AS MOOT**.
- 5. The Clerk of Court is **DIRECTED** to close the case.

FILED SCRANTON

APR 1 7 2015

PER DEPUTY CLERK

Robert D. Mariani

Robert D. Mariani
United States District Judge