

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

SCOTT NJOS,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

CIVIL ACTION NO. 3:14-CV-1960

(Judge Kosik)

ORDER

AND NOW, THIS 29th DAY OF APRIL, 2016, IT IS HEREBY ORDERED
THAT:

(1) The Amended Report and Recommendation of Magistrate Judge Martin C. Carlson filed on September 24, 2015 (Doc. 67) is **ADOPTED in part and NOT ADOPTED in part**;

(2) The Defendants' Motion to Dismiss, or in the Alternative, for Summary Judgment (Doc. 13) is **GRANTED** to the extent that Plaintiff's claims under the PREA are dismissed; Plaintiff's FTCA negligence claims against individual employees of the BOP are dismissed with prejudice; Plaintiff's FTCA medical negligence claim is dismissed without prejudice; Plaintiff's Eighth Amendment claims are dismissed without prejudice; and, Plaintiff's pendent tort claim for intentional infliction of emotional distress is dismissed without prejudice; and,

(3) Plaintiff is allowed thirty (30) days from the date of this Order in which to file an Amended Complaint in conformity with the accompanying Memorandum.

s/Edwin M. Kosik

Edwin M. Kosik

United States District Judge