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

ANTHONY MONEYHAM, : No. 3:15cv436

Plaintiff

: (Judge Munley)

V.

:(Magistrate Judge Saporito)

L. POTTER, EMT; M. BARTH, EMT; : and OFFICER MESSENMAN, :

Defendants:

<u>ORDER</u>

AND NOW, to wit, this 27th day of June 2016, it is **HEREBY**

ORDERED as follows:

- Plaintiff's objection to the Report and Recommendation regarding dismissal of his complaint (Doc. 33) is OVERRULED;
- The Report and Recommendation of Magistrate Judge Saporito
 pertaining the dismissal of plaintiff's original complaint is ADOPTED;
- 3. Plaintiff's complaint (Doc. 1) is **DISMISSED** without prejudice;
- 4. The defendants' motion to dismiss (Doc. 18) is **DENIED** as moot;
- Plaintiff's objection to the Report and Recommendation regarding filing an amended complaint (Doc. 33) is SUSTAINED;
- 6. The Report and Recommendation of Magistrate Judge Saporito pertaining to the denial of plaintiff's request to file an amended complaint is **NOT ADOPTED**; and

7. Plaintiff is directed to file an amended complaint, within twenty-one

(21) days from the date of this order asserting the following claim: a

<u>Bivens</u> claim arising from an alleged assault on February 21, 2015 in retaliation for plaintiff's hunger strike on February 20, 2015. Plaintiff

may not assert any additional claims. Plaintiff must file a new action if he chooses to assert additional claims.

BY THE COURT:

s/ James M. Munley
JUDGE JAMES M. MUNLEY
United States District Court