

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

MICKEY CASTILLO,

Plaintiff,

v.

ALL JANE/JOHN DOES OF DEPUTIZED  
POSTAL OFFICERS AT ALL FACILITIES  
PLAINTIFF WAS INCARCERATED, et al.,

Defendants.

NO. 3:15-CV-00910

(JUDGE CAPUTO)


(MAGISTRATE JUDGE  
MEHALCHICK)

ORDER

NOW, this 17<sup>th</sup> day of October, 2016, upon review of the Report and Recommendation of Magistrate Judge Mehalchick (Doc. 6) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 6) is **ADOPTED**.
- (2) Plaintiff's Amended Complaint (Doc. 3) is **DISMISSED**.
  - (a) Plaintiff's federal claims for procedural due process and access-to-the-courts violations are **DISMISSED with prejudice**.
  - (b) Plaintiff's federal claims against the Jane and John Doe grievance officers at the Luzerne County Correctional Facility, Mrs. Lefler, the Jane and John Doe grievance officers at SCI-Retreat, and the Jane and John Doe grievance officers at SCI-Smithfield are **DISMISSED with prejudice**. The Clerk of Court is directed to **TERMINATE** these Defendants from this action.
  - (c) Plaintiff's remaining federal-law claims are **DISMISSED without prejudice**.
  - (d) Plaintiff's state-law claims are **DISMISSED without prejudice**.
- (3) Plaintiff will be given thirty (30) days leave to file a second amended complaint that reasserts his remaining claims in accordance with Rule 8(d)(1) of the Federal Rules of Civil Procedure; and

- (4) The matter is **RECOMMENDED** to Magistrate Judge Mehalchick for further proceedings.

  
A. Richard Caputo  
United States District Judge