

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

TROY BRANNING,	:	
	:	
Plaintiff,	:	
	:	
v.	:	3:15-CV-1936
	:	(JUDGE MARIANI)
WAYNE COUNTY, et al.,	:	
	:	
Defendants.	:	

ORDER


AND NOW, THIS 7th DAY OF SEPTEMBER, 2017, upon *de novo* review of Magistrate Judge Carlson’s Report and Recommendation (“R&R”) (Doc. 24), **IT IS HEREBY ORDERED THAT:**

1. Defendants’ Objections (Doc. 25, 26) are **SUSTAINED**.

2. The R&R (Doc. 24) is **ADOPTED IN PART AND OVERRULED IN PART**; specifically, Defendants’ Motion for Summary Judgment (Doc. 14) is **GRANTED IN PART AND DENIED IN PART** as follows:
 - a. Defendants’ motion for summary judgment on Count II of Plaintiff’s Amended Complaint is **GRANTED** for the reasons set forth in Magistrate Judge Carlson’s R&R.

 - b. Defendants’ motion for summary judgment on Count IV of Plaintiff’s Amended Complaint is **GRANTED** for the reasons set forth in the accompanying memorandum opinion.

- c. Defendants Vicky Botjer, Skip Martin, Brian Smith, Jonathan Fritz, and Wendell Kay are **DISMISSED** from Count I and Count V in their official capacities only.
 - d. Defendants' motion for summary judgment is **DENIED** in all other respects for the reasons set forth in Magistrate Judge Carlson's R&R.
3. A telephone conference to schedule the above-captioned matter for trial on Counts I, III, and V shall be held on **Wednesday, September 20, 2017, at 3:30 p.m.**



Robert D. Mariani
United States District Judge