

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

JOHN DAVID VERCUSKY,

Plaintiff

v.

WARDEN PURDUE,

Defendant

Civil No. 3:15-cv-2461

(Judge Mariani)

**ORDER**

**AND NOW**, this 20<sup>th</sup> day of December, 2016, for the reasons set forth in the

Court's Memorandum of the same date, **IT IS HEREBY ORDERED THAT:**

1. Defendant's motion (Doc. 14) to dismiss is **GRANTED**.
2. The complaint is **DISMISSED** in its entirety.
3. The Clerk of Court is directed to **CLOSE** this action.
4. Any appeal from this Order is **DEEMED** frivolous and not in good faith. See 28 U.S.C. § 1915(a)(3).



Robert D. Mariani  
United States District Judge