

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

ROBERT E. GOODE, SR.,	:	CIVIL NO. 3:16-cv-0183
	:	
Plaintiff	:	
	:	(Judge Munley)
v.	:	
	:	
LACKAWANNA COUNTY PRISON,	:	
DR. ZALOGA,	:	
	:	
Defendants	:	

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**ORDER**

**AND NOW**, to wit, this 19<sup>th</sup> day of February 2016, upon consideration of plaintiff's complaint (Doc. 1) and in accordance with the Court's Memorandum of the same date, it is hereby **ORDERED** that:

1. Plaintiff's motion (Doc. 6) to proceed *in forma pauperis* is GRANTED and the complaint is DISMISSED without prejudice pursuant to 28 U.S.C. §1915(e)(2)(B)(ii).
2. If plaintiff can correct the deficiencies of his complaint, he may FILE a motion to reopen this matter on or before March 4, 2016. Said motion shall be accompanied by a proposed amended complaint.
3. Any proposed amended complaint shall contain the same case number that is already assigned to this action (3:16-cv-0183) and shall be direct, concise, and shall stand alone without reference to any other document filed in this matter. See FED. R. CIV. P. 8(e).
4. The Clerk of Court is directed to CLOSE this case.

5. Any appeal from this order is DEEMED frivolous and not in good faith. See 28 U.S.C. § 1915(a)(3).<sup>1</sup>

**BY THE COURT:**

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

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<sup>1</sup> The Court notes that “ [g]enerally, an order which dismisses a complaint without prejudice is neither final nor appealable because the deficiency may be corrected by the plaintiff without affecting the cause of action.’ . . . The dispositive inquiry is whether the district court’s order finally resolved the case.” Martin v. Brown, 63 F.3d 1252, 1257–58 (3d Cir. 1995) (quoting Borelli v. City of Reading, 532 F.2d 950, 951 (3d Cir. 1976)) (other citations omitted). In the matter *sub judice*, if plaintiff can correct the deficiencies of his complaint, he may file a motion to reopen his case accompanied by a proposed amended complaint.