

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>JAMES THOMAS TURNER,</b>	:	
	:	
Plaintiff	:	<b>CIVIL ACTION NO. 3:16-0269</b>
	:	
v	:	
	:	<b>(JUDGE MANNION)</b>
<b>J. TUTTIE, et al.,</b>	:	
	:	
Defendants		

**ORDER**

For the reasons set forth in the Memorandum of this date, **IT IS**

**HEREBY ORDERED THAT:**

1. Defendant's motion for summary judgment (Doc. [18](#)) is **GRANTED**. Judgment is hereby entered in favor of the Defendant Tuttle and against the Plaintiff.
2. Defendants D. Clark and Jane and John Does, are dismissed pursuant to Rule 4(m) for Plaintiff's failure to properly identify these Defendants and effectuate service within 120 days of the filing of the complaint. See [FED.R.CIV.P. 4\(m\)](#).
3. Plaintiff's motions for entry of default and motion to produce (Doc. [19](#), [20](#)) are **DISMISSED** as moot.
4. The Clerk of Court is directed to **CLOSE** this case.
5. Any appeal taken from this order will be deemed frivolous, without probable cause, and not taken in good faith. See [28 U.S.C. §1915\(a\)\(3\)](#).

*s/ Malachy E. Mannion*

**MALACHY E. MANNION  
United States District Judge**

**Date: March 20, 2017**