

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

JOHN ROMANASKAS,

Plaintiff,

v.

EARTHBOX, INC.,

Defendant.

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**3:16-CV-517
(JUDGE MARIANI)**

**FILED
SCRANTON**

JAN 23 2017

PER  **DEPUTY CLERK**

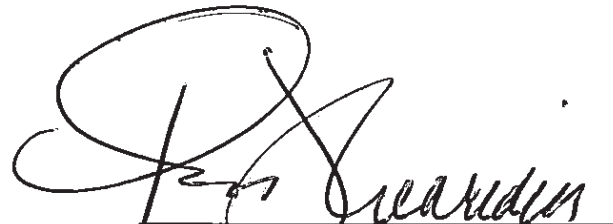
ORDER

AND NOW, THIS 23rd DAY OF JANUARY, 2017, upon review of Magistrate Judge Schwab's Report & Recommendation, (Doc. 20), for clear error and manifest injustice, **IT IS HEREBY ORDERED THAT:**

1. The Report & Recommendation, (Doc. 20), is **ADOPTED**, for the reason stated therein.
2. Defendant's Amended Motion to Dismiss, (Doc. 11), is **GRANTED**.
3. Plaintiff's Complaint, (Doc. 1), is **DISMISSED WITHOUT PREJUDICE**.
4. Plaintiff **MAY FILE** an Amended Complaint within **twenty-one (21) days** of the date of this Order.¹
5. Defendant's Motion to Strike, (Doc. 13), is **DISMISSED AS MOOT**.

¹ It appears that on January 3, 2017, Plaintiff filed a document titled "amended complaint," (Doc. 21). This three page document contains, among other things, a request to strike material in the docket and a request to subpoena witnesses. The document does not contain, however, any specific factual allegations regarding Plaintiff's claims except for a conclusory statement that Plaintiff was retaliated against "for bringing complaints of discrimination to" his employer's attention. (Doc. 21 at 2). The Court leaves it up to Magistrate Judge Schwab to clarify with the Plaintiff on remand if this is Plaintiff's prematurely filed amended complaint or if it was mistitled.

6. The case is **REMANDED** to Magistrate Judge Schwab for further proceedings consistent with this Order.



Robert D. Mariani
United States District Judge