

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

|  |   |                                     |
|--|---|-------------------------------------|
| <b>B. MILLER a/k/a/ STRANDON<br/>MILLER,</b> | : |                                     |
| <b>Plaintiff</b>                             | : | <b>: CIVIL ACTION NO. 3:16-0605</b> |
| <b>v.</b>                                    | : | <b>: (JUDGE MANNION)</b>            |
| <b>C.O. S.L. HOLT, <u>et al.</u></b>         | : |                                     |
| <b>Defendants</b>                            | : |                                     |

**ORDER**

In light of the Memorandum issued this same day, **IT IS HEREBY ORDERED THAT:**

- (1) Plaintiff's Motion for Injunctive Relief (Doc. 35) is **DENIED**.
- (2) Plaintiff shall file his response to Defendant Holt's motion to dismiss or, in the alternative, motion for summary judgment (Doc. 26) on or before April 7, 2017. The failure to do so will result in the motion being deemed unopposed and addressed on the merits. See M.D. Local Rule 7.6.
- (3) The Clerk of Court shall strike and return to Plaintiff his filing of January 6, 2017 entitled "Amended Complaint" (Doc. 41).<sup>1</sup>
- (4) The Clerk of Court is directed to provide a copy of the amended complaint (Doc. 25) and this order to the United States Marshal for personal service on Defendants Lynn, Allen and Holecman.

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<sup>1</sup> Plaintiff's filing is not proper and actually sets forth new claims of retaliation and harassment against Defendant Shay that are more properly pursued in a new action and, in any event, appear to be unexhausted. To the extent this filing can be construed as a motion for injunctive relief, Plaintiff has failed to file a supporting brief, and any such motion could be deemed withdrawn on such basis. See M.D. Local Rule 7.5.

Waiver of Service forms were mailed to said Defendants on October 28, 2016 (Doc. 29), but Defendants have never acknowledged service of the amended complaint in this action.

*s/ Malachy E. Mannion*  
**MALACHY E. MANNION**  
United States District Judge

**Date: March 24, 2017**

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