

document entitled "Judicial Notice and Cognizance" (Doc. 19). Plaintiff did not file any objections to either R&R.

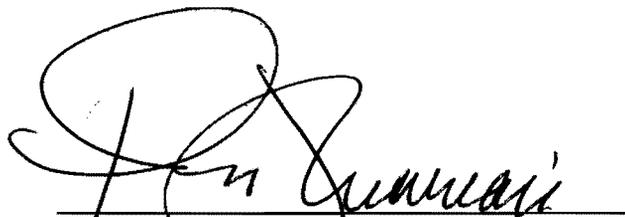
Despite no evidence of the complaint having been served on any defendant, on August 10, 2016, prior to the plaintiff filing her amended complaint, Arthur Zulick, one of approximately 20 defendants named in the complaint, filed a Motion to Dismiss (Doc. 16). Defendant Zulick filed a second Motion to Dismiss (Doc. 20) following the filing of Plaintiff's amended complaint.

ACCORDINGLY, THIS 11th DAY OF OCTOBER, IT IS HEREBY

ORDERED THAT:

1. Upon review of Magistrate Judge Mehalchick's Report and Recommendation (Doc. 13) for clear error and manifest injustice, the R&R is **ADOPTED** for the reasons stated therein. Plaintiff's "Request for Preliminary Injunction" (Doc. 4) is **DENIED**.
2. Due to the filing by Plaintiff of an Amended Complaint (Doc. 18), Defendant Zulick's first Motion to Dismiss (Doc. 16) is **DISMISSED AS MOOT**.
3. Due to the filing by Plaintiff of an Amended Complaint (Doc. 18), Magistrate Judge Mehalchick's R&R (Doc. 14) recommending dismissal of the original complaint (Doc. 1) is **DISMISSED AS MOOT**. The action shall be remanded to Magistrate Judge Mehalchick for the preparation of a new R&R addressing Plaintiff's Amended Complaint.

4. In light of Plaintiff proceeding *in forma pauperis* and the Court having not completed the screening process of Plaintiff's amended complaint, nor the Court having ordered Plaintiff's complaint or amended complaint to be served on any defendant, Defendant Zulick's second Motion to Dismiss (Doc. 20) is **DISMISSED AS PREMATURE**. Should the Court allow Plaintiff's amended complaint to proceed and order that it be served on the defendants, Defendant Zulick may file a motion to dismiss or any other appropriate filing at that time.
5. The case is **REMANDED** to Magistrate Judge Mehalchick for further proceedings consistent with this Order.



Robert D. Mariani
United States District Judge