

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

DEREK ARRINGTON,	:	CIVIL ACTION NO. 3:16-cv-0832
	:	
Plaintiff	:	(Judge Munley)
	:	
v.	:	
	:	
WARDEN C. MAIORANA, <i>et al.</i> ,	:	
	:	
Defendants	:	

.....

**ORDER**

**AND NOW**, to wit, this 31<sup>st</sup> day of August 2017, upon consideration of Defendants’ motion (Doc. 18) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) and for summary judgment pursuant to Federal Rule of Civil Procedure 56, and Plaintiff’s motion (Doc. 28) for leave to re-file Amended Complaint, and for the reasons set forth in the Court’s Memorandum of the same date, it is hereby ORDERED that:

1. Defendants’ motion (Doc. 18) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) is GRANTED. The complaint against Defendant Maiorana is DISMISSED in its entirety.
2. Defendants’ motion (Doc. 18) for summary judgment is GRANTED. The Clerk of Court is directed to ENTER judgment in favor of Defendant Rhea and against Plaintiff.
3. Plaintiff’s motion (Doc. 28) for leave to re-file Amended Complaint is DENIED.
4. The complaint against “URC Medical Staff” is DISMISSED pursuant to Federal Rule of Civil Procedure 4(m).
5. Plaintiff’s motion (Doc. 30) to appoint counsel is DENIED as moot.

6. The Clerk of Court is directed to CLOSE this case.
7. Any appeal from this order is deemed frivolous and not in good faith.  
See 28 U.S.C. § 1915(a)(3).

**BY THE COURT:**

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