

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

NORMAN GOLDSMITH,  
  
Plaintiff,

v.

FRANKLIN COUNTY, et al.,  
  
Defendants.

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3:16-CV-00952  
(JUDGE MARIANI)

FILED  
SCRANTON

OCT 28 2016

  
DEPUTY CLERK

ORDER

AND NOW, THIS 28TH DAY OF OCTOBER, 2016, upon review of Magistrate Judge Carlson's Report and Recommendation ("R&R") (Doc. 20) for clear error and manifest injustice, IT IS HEREBY ORDERED THAT:

- 1. The R&R (Doc. 20) is **ADOPTED** for the reasons stated therein.
- 2. Defendants Christina Bird, Alicia Mongiovi, and Misty Butler's (hereinafter "Medical Defendants") Motion to Dismiss Plaintiff's Amended Complaint (Doc. 12) is **GRANTED IN PART AND DENIED IN PART:**

**PART AND DENIED IN PART:**

- a. Medical Defendants' Motion to Dismiss Plaintiff Goldsmith's Eighth Amendment claim of failure to intervene is **GRANTED**.
  - b. Medical Defendants' Motion to Dismiss Plaintiff Goldsmith's Eighth Amendment claim of medical deliberate indifference is **DENIED**.
- 3. The case is **REMANDED** to Magistrate Judge Carlson for further proceedings consistent with this Order.

  
Robert D. Mariani  
United States District Judge