

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

<b>LUIS NIEVES,</b>	:	<b>No. 3:16cv1912</b>
<b>Plaintiff</b>	:	
	:	<b>(Judge Munley)</b>
<b>v.</b>	:	
	:	<b>(Magistrate Judge Carlson)</b>
<b>OFFICER PAUL TOMCZYK, et al.,</b>	:	
<b>Defendants</b>	:	

.....

**ORDER**

**AND NOW**, to wit, this 5<sup>th</sup> day of April 2017, it is **HEREBY ORDERED**

as follows:

1. The R&R of Magistrate Judge Carlson (Doc. 31) is **ADOPTED**;
2. Defendant Paul Tomczyk’s motion to dismiss (Doc. 20) is **GRANTED**;
3. The Clerk of Court is directed to enter judgment in favor of Defendant Paul Tomczyk; and
4. The Clerk of Court is further directed to **REMAND** this case to Magistrate Judge Carlson for further proceedings.

**BY THE COURT:**

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