

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

**JAMES REED,** :  
 :  
 **Plaintiff** : **CIVIL ACTION NO. 3:16-2143**  
 :  
 **v.** : **(MANNION, D.J.)**  
 : **(MEHALCHICK, M.J.)**  
 **LACKAWANNA COUNTY, et al.,** :  
 :  
 **Defendants** :

**ORDER**

In accordance with the memorandum issued this same day, **IT IS  
HEREBY ORDERED THAT:**

- (1) the objections of the Lackawanna County Defendants to the report of the magistrate judge, **(Doc. 27)**, are **SUSTAINED** in part and **OVERRULED** in part;
- (2) the Lackawanna County Defendants' motion to dismiss the plaintiff's complaint, **(Doc. 10)**, is **DISMISSED AS MOOT** with respect to the plaintiff's claims related to his incarceration from October 15, 2014 to October 16, 2014, and is **DENIED** in all other respects;
- (3) the Medical Defendants' motion to dismiss the plaintiff's complaint, **(Doc. 18)**, is **DISMISSED AS MOOT**;
- (4) the report of the magistrate judge, **(Doc. 26)**, is **ADOPTED** in all respects, **EXCEPT** to the extent that it recommends Counts IV and V of the plaintiff's complaint be dismissed as

to the Medical Defendants, as the plaintiff has not acknowledged the insufficiency of Counts IV and V as to these defendants, and with the clarification that dismissal of Counts VI and VII of the plaintiff's complaint is without prejudice; and

- (5) the instant action is **REMANDED** to the magistrate judge for all further pre-trial proceedings.

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

**Date: September 28, 2017**

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