

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

JAMES T. LANE,	:	CIVIL ACTION NO. 3:17-cv-0070
	:	
Plaintiff	:	(Judge Munley)
	:	
v.	:	
	:	
HSA DAVID BENOIT, <i>et al.</i> ,	:	
	:	
Defendants	:	

.....

**ORDER**

AND NOW, to wit, this 22<sup>nd</sup> day of March 2018, upon consideration of Defendants’ Motion (Doc. 29) to Dismiss pursuant to Federal Rule of Civil 12(b)(6), and for the reasons set forth in the Court’s Memorandum of the same date, it is hereby ORDERED that:

1. Defendants’ motion (Doc. 29) to dismiss is DENIED.
2. Defendants shall file an Answer or appropriate pretrial motion within the time period dictated by the Federal Rules of Civil Procedure.
3. Plaintiff’s motion (Doc. 44) for default judgment is DEEMED withdrawn for failure to file a supporting brief. See L.R. 7/5.

**BY THE COURT:**

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