

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

<b>JOHN BUTZ,</b>	:	
	:	
<b>Plaintiffs</b>	:	<b>CIVIL ACTION NO. 3:17-1909</b>
	:	
<b>v.</b>	:	<b>(JUDGE MANNION)</b>
	:	
<b>LUZERNE COUNTY</b>	:	
<b>CORRECTIONAL FACILITY , et.</b>	:	
<b>al.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

In accordance with the Memorandum issued this date, **IT IS HEREBY**

**ORDERED THAT:**

1. Plaintiffs' complaint is **DISMISSED** without prejudice pursuant to [28 U.S.C. §1915\(e\)\(2\)\(B\)](#) for failure to exhaust administrative remedies.
2. Defendants' motion to dismiss (Doc. 22) is **DISMISSED** as moot.
3. The Clerk of Court is directed to **CLOSE** this case.
4. Any appeal will be deemed frivolous, lacking merit, and not taken in good faith. See [28 U.S.C. §1915\(a\)\(3\)](#).

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

**Dated: September 30, 2021**

17-1909-01-ORDER