

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

JOSEPH THOMAS SMITH,

Plaintiff

v.

THOMAS D. BRUNS, et al.,

Defendants

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CIVIL ACTION NO. 3:18-CV-1060

(Judge Caputo)

ORDER

AND NOW, this **22nd** day of **JANUARY 2019**, in accordance with the accompanying Memorandum issued this date, it is **ORDERED** that:

1. Mr. Smith's action is **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim for which relief can be granted.
2. Mr. Smith's claims against the Defendants are **DISMISSED WITHOUT PREJUDICE** to Mr. Smith filing his claims in a new civil action in the event his convictions are ever vacated or invalidated.
3. Mr. Smith's motion for injunctive relief (ECF No. 16), and motion to transfer (ECF No. 18) are **DENIED**.
4. The Clerk of Court shall **CLOSE** this case.

/s/ A. Richard Caputo

A. RICHARD CAPUTO
United States District Judge