

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HAROLD HUNT,

Plaintiff,

v.

MATTHEW SMITH,

Defendant.

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: 3:20-CV-464
: (JUDGE MARIANI)
: (Magistrate Judge Carlson)
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:
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ORDER

AND NOW, THIS 3rd DAY OF DECEMBER, 2021, upon review of Magistrate Judge Martin C. Carlson's Report and Recommendation ("R&R") (Doc. 39) for clear error or manifest injustice, **IT IS HEREBY ORDERED THAT:**

1. The R&R (Doc. 39) is **ADOPTED** for the reasons set forth therein.
2. Defendant Matthew Smith's Motion to Dismiss (Doc. 33) is **DENIED**.
3. The case is **REMANDED** to Magistrate Judge Carlson for further proceedings consistent with this Order.

Robert D. Mariani
United States District Judge