

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

BENJAMIN SMITH,	:	
	:	4:07-cv-1079
Plaintiff,	:	
	:	Hon. John E. Jones III
v.	:	
	:	Hon. Thomas M. Blewitt
UNITED STATES OF AMERICA,	:	
et al.,	:	
	:	
Defendants.	:	

**ORDER**

**December 14, 2009**

In conformity with the Memorandum issued on today’s date, it is hereby

**ORDERED** that:

1. The Report and Recommendation of Magistrate Judge Blewitt dated December 29, 2008 (Doc. 55) is **ADOPTED** in its entirety.
2. Defendants’ Motion for Summary Judgment (Doc. 32) is **GRANTED**.
3. Plaintiff’s cross-Motion for Summary Judgment (Doc. 43) is **DENIED**.
4. The Clerk of Court is directed to **CLOSE** this case.

s/ John E. Jones III

John E. Jones III  
United States District Judge