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

MARCELLUS A. JONES,	:
Plaintiff	
V.	CIVIL NO. 4:CV-13-1400
JOHN WETZEL, ET AL.,	: (Judge Brann)
Defendants	• •

<u>ORDER</u>

January 27, 2014

In accordance with the accompanying Memorandum, IT IS HEREBY

ORDERED THAT:

1. Defendants' unopposed motion to dismiss (Doc. 11) is

PARTIALLY GRANTED.

- Jones' damage claims brought against the individual Defendants in their official capacities are **DISMISSED** as being barred by the Eleventh Amendment.
- Superintendent Wetzel, Chief Grievance Officer Varner,
 Superintendent Bickell, Captains Walters and Harris are

GRANTED entry of dismissal on the basis of lack of personal involvement.

- Defendant Showalter's request for dismissal on the basis of lack of personal involvement and the request to dismiss the excessive force claims are **DENIED**.
- Dismissal is GRANTED with respect to Plaintiff's claims of denial of personal hygiene products, and conspiracy.
- Plaintiff's ADA and negligence claims are <u>sua sponte</u>
 DISMISSED.
- The excessive force claims against Defendants Showalter, Long, Fogle, Cherry, Boal and Nelson will proceed.

BY THE COURT:

<u>s/Matthew W. Brann</u> Matthew W. Brann United States District Judge