

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

MICHAEL BEENICK, Jr., : (Judge Brann)  
 :  
 Plaintiff, : No. 4:14-cv-01562  
 :  
 v. :  
 :  
 MICHAEL LeFEBVRE, et al., :  
 :  
 Defendants. :

**ORDER**

May 14, 2015

AND NOW, in accordance with the Memorandum of this same date, IT IS  
HEREBY ORDERED THAT:

1. Magistrate Judge Blewitt's Report and Recommendation (ECF No. 14) regarding the disposition of Defendants' Motion to Dismiss Plaintiff's Complaint (ECF No. 10) is adopted in part and rejected in part.
2. Defendants' Motion to Dismiss is denied with respect to Counts I, II, III, and IV.
3. Defendants' qualified immunity defense is denied at this stage in the proceeding, although Defendants may reassert the defense at a later stage.

4. Plaintiff's request for declaratory relief is dismissed without prejudice, with leave to amend to assert a need for future relief.
5. The case is remanded to Chief Magistrate Judge Carlson for assignment to a Magistrate Judge.

BY THE COURT:

s/ Matthew W. Brann  
Matthew W. Brann  
United States District Judge