

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

AIMEE DAVIS,	:	Case No. 4:16-CV-01011
	:	
Plaintiff,	:	(Judge Brann)
	:	
v.	:	
	:	
COMMONWEALTH OF PENNSYLVANIA :	:	
DEPARTMENT OF CORRECTIONS, SCI :	:	
MUNCY, <i>et al.</i> ,	:	
	:	
Defendants.	:	

ORDER

March 27, 2017

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

1. Defendants Pennsylvania Department of Corrections, Robert Smith, and Andrea Norris' Motion to Dismiss Plaintiff's Complaint (ECF No. 11) is **GRANTED**. Pennsylvania Department of Corrections, Robert Smith, and Andrea Norris are dismissed as defendants.
2. Plaintiff is granted leave to amend her complaint against Defendants Norris and Smith within **twenty-one (21) days** of the date of this Order. Failure to amend within twenty-one (21) days will result in progression on the original complaint, and will trigger the remaining

defendants' responsibility to answer in accordance with Federal Rule of Civil Procedure 12(a).

3. Defendant City of Philadelphia's Motion to Dismiss For Failure to State a Claim and/or Sever or Transfer for Improper Venue (ECF No. 19) is **GRANTED**. Any and all claims set forth in the complaint with respect to conduct occurring while under the custody of the City of Philadelphia are severed from this action and transferred to the United States District Court for the Eastern District of Pennsylvania to proceed there, as set forth in the accompanying Memorandum. The Clerk of Court is directed to forward a copy of the complaint and this Order to that court so said claims may proceed there.

BY THE COURT:

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