

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

S. GEORGE MILTER and
LISA MARIE LOGUIDICE,

Plaintiffs,

v.

THE UNITED STATES OF
AMERICA, et al.,

Defendants.

No. 4:17-CV-00251

(Judge Brann)

ORDER

JUNE 12, 2018

1. The Motion to Dismiss filed by the United States of America and Noel Trusal, ECF No. 18, is **GRANTED IN PART** and **DENIED IN PART** as follows:
 - a. Count I of Plaintiffs' Complaint, ECF No. 1, is **DISMISSED WITH PREJUDICE**;
 - b. Count II of Plaintiffs' Complaint is **DISMISSED WITHOUT PREJUDICE**;
 - c. Count III of Plaintiffs' Complaint against Noel Trusal is **DISMISSED WITH PREJUDICE**;
 - d. Count IV of Plaintiffs' Complaint is **DISMISSED WITH PREJUDICE**; and

- e. Count VIII of Plaintiffs' Complaint against the United States is **DISMISSED WITHOUT PREJUDICE**;
- f. Count VIII of Plaintiffs' Complaint against Noel Trusal and the Unknown Medical Providers of the Federal Bureau of Prisons is **DISMISSED WITH PREJUDICE**.
2. Plaintiffs may amend Counts II and VIII of their complaint to allege administrative exhaustion within 30 days of the date of this Order.
3. Whether or not Plaintiffs amend their complaint, Plaintiffs have 60 days from the date of this order to conduct discovery on the issue of administrative exhaustion **ONLY**. Within 30 days of the conclusion of that period of **LIMITED** discovery, Defendants may renew their motion for summary judgment regarding Count III of Plaintiffs' Complaint.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge