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

HECTOR VARGAS TORRES,

No. 4:17-CV-01977

Plaintiff,

(Judge Brann)

v.

CAPT. B. HARRIS, et al.,

Defendants.

## **ORDER**

## MAY 29, 2020

In accordance with the accompanying Memorandum Opinion, IT IS

## **HEREBY ORDERED** that:

- 1. Plaintiff's motions for summary judgment, Docs. 69 and 81, are **DENIED**;
- 2. Defendants' motion for summary judgment, Doc. 90, is **GRANTED**;
- 3. Plaintiff's state law claim of negligent failure to intervene is **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction pursuant to 28 U.S.C. § 1367(c)(1);
- 4. The Clerk of Court is directed to **ENTER JUDGMENT** in favor of Defendants and as against Plaintiff on all claims remaining; and
- 5. The Clerk of Court is directed to **CLOSE** this matter.

BY THE COURT:

s/Matthew W. BrannMatthew W. BrannUnited States District Judge