

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

WILLIAM D. TURNER,

Plaintiff,

v.

JOHN E. WETZEL, et al.,

Defendants.

No. 4:18-CV-00361

(Judge Brann)

ORDER

FEBRUARY 7, 2019

On December 28, 2018, Magistrate Judge Joseph F. Saporito, Jr., issued a Report and Recommendation¹ recommending that this Court grant in part, and deny in part, the Motion to Dismiss² filed by Correction Care Solution, Dr. Jay Cowan, and Dr. Carl Keldie. Plaintiff William D. Turner filed timely objections³ to that Report and Recommendation on January 11, 2019.

This Court has conducted a de novo review of the objected-to portion of the Report and Recommendation and agrees with Magistrate Judge Saporito's analysis and conclusion. Therefore, **IT IS HEREBY ORDERED** that:

¹ ECF No. 30.

² ECF No. 10.

³ ECF No. 35, 36.

1. The Report and Recommendation, ECF No. 30, is **ADOPTED IN ITS ENTIRETY**.
2. The Motion to Dismiss, ECF No. 10, is **GRANTED IN PART** and **DENIED IN PART**, as follows:
 - a. All federal civil rights claims brought under 42 U.S.C. § 1983 against Correction Care Solution, Dr. Carl Keldie, and Dr. Jay Cowan are **DISMISSED WITHOUT PREJUDICE**.
 - b. The motion is otherwise **DENIED**.
3. Within 28 days of the date of this Order, Mr. Turner may amend his complaint.⁴
4. Mr. Turner's Motion for Leave to File an Amended Complaint, ECF No. 38, is **DENIED AS MOOT**.
5. The case is remanded back to Magistrate Judge Saporito for further proceedings.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
United States District Judge

⁴ If Mr. Turner wishes to proceed with the proposed amended complaint located at ECF No. 38-1, he must docket it separately and identify it as his "Amended Complaint."