

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
AT ERIE

JOSE TORRES, et al.,)	
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)	
)	
<i>Plaintiffs,</i>)	Civil Action No. 15-174
)	
v.)	
)	ORDER
)	
NANCY GIROUX, et al.,)	
)	
<i>Defendants.</i>)	
)	
)	

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING CASE
IN PART**


The Court, having considered the Report and Recommendation of Magistrate Judge Susan Paradise Baxter, and the balance of record, **HEREBY ORDERS** as follows:

- (1) The Court **ADOPTS** the Report and Recommendation [Doc. No. 58].
- (2) Plaintiffs’ claims against all Defendants in their official capacities are **DISMISSED**.
- (3) Plaintiffs’ Eighth Amendment claim against Defendants Bashor, Phillips, Arnold, Putman, Brown, Mulligan, Newell, Walters, and DiRaimo is **DISMISSED**.
- (4) Plaintiffs’ Fourteenth Amendment claim against all Defendants is **DISMISSED**.
- (5) Defendants’ motion to dismiss Plaintiff Torres’s retaliation claim against Basher, Phillips, Walters, Arnold, Putman, Brown, Mulligan, and Newell is **DENIED**.
- (6) Defendants Pernell, Fitzgerald, Scutella, Martin, Giroux, Clark, Smith, Adams, and Szelewski are **TERMINATED** from this case.

(7) The Clerk shall send copies of this Order to the parties.

IT IS SO ORDERED.

DATED this ^{4th}12 day of July, 2017.


BARBARA J. ROTHSTEIN
UNITED STATES DISTRICT JUDGE