

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

<b>DAVID PROBST,</b>	)	
	)	2:17cv1014
Plaintiff,	)	<b>Electronic Filing</b>
	)	
v.	)	
	)	
<b>SCI GREENE MEDICAL DEPT and DOCTOR JYN,</b>	)	
	)	
Defendants.	)	

*th* **ORDER OF COURT**

AND NOW, this 21 day of April, 2018, for the reasons set forth in the Opinion filed this date, IT IS ORDERED as follows:

- (i) The Motion to Dismiss filed by Defendant SCI-Greene Medical Dept be, and the same hereby is, granted;
- (ii) The Motion to Dismiss filed by Doctor Jin, which has been converted to a motion for summary judgment, be, and the same hereby is, granted;
- (iii) Leave to amend the complaint is denied as futile;
- (iv) Plaintiff's separate negligence / medical malpractice claims against Dr. Jin are denied without prejudice for want of jurisdiction;
- (v) The Magistrate Judge's February 23, 2018, Report and Recommendation as augmented, be, and the same hereby is, adopted as the opinion of the court.

Final judgment will be entered and the Clerk will be directed to mark the case closed.

*DSCerone*  
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 David Stewart Cercone  
 Senior United States District Judge

cc: David Probst  
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SCI Greene  
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*(Via First Class Mail)*

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