

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

JOEL SNIDER,)	
)	Civil Action No. 18 – 703
Plaintiff,)	
)	District Judge David S. Cercone
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
DR. ROBERT WITTIG, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

This case is before the Court on Plaintiff’s Objections to Magistrate Decisions Regarding Filing of Supplementary Complaint and Correction of the Docket (“Objections,” ECF No. 82.) In his Objections, Plaintiff expresses confusion over why his filing, entitled “Supplementary Complaint,” was filed as an Amended Complaint. (Compare ECF No. 66 with 67.) Plaintiff states that his Supplementary Complaint was filed “with the intention of supplementing the claims and defendants and as a way to help clarify the original complaint and to address the defendants’ motions to dismiss.” (Objections at p.4.)

In light of Plaintiff’s clarifications, the undersigned has reviewed Plaintiff’s filings related to his Supplementary Complaint and the Orders following the filing of that pleading. The filing of Plaintiff’s Supplementary Complaint as an Amended Complaint was error and treatment of his pleading as a supplement to his original Complaint (ECF No. 14) requires the Court to vacate a number of its rulings. Therefore, this 18th day of December, 2019, **IT IS ORDERED** that:

1. Plaintiff's Objections (ECF No. 82) are treated as a Motion for Reconsideration of the Court Orders dated November 15, 2019 (ECF No. 67) and November 20, 2019 (ECF No. 72) and said Motion is **GRANTED**.
2. The Court's Order dated November 15, 2019 (ECF No. 67), which granted Plaintiff's Amended Motion for Leave to Supplement the Complaint but docketed the supplement as an Amended Complaint, is **VACATED**.
3. Plaintiff's Amended Motion for Leave to Supplement the Complaint (ECF No. 66) is **GRANTED**. The Clerk of Court is **DIRECTED** to **STRIKE** the Amended Complaint at ECF No. 71 and to **FILE** the Supplementary Complaint at ECF No. 66-1 as a Supplement to Complaint. Plaintiff's Supplementary Complaint is not a replacement, but rather an addition, to his Complaint at ECF No. 14.
4. The Court's Order dated November 20, 2019 (ECF No. 72), which granted in part and denied in part Plaintiff's Motion to Correct Docket, is **VACATED**.
5. Plaintiff's Motion to Correct Docket (ECF No. 70) is **GRANTED** in part and **DENIED** in part as follows. The Motion is **GRANTED** to the extent that the Clerk of Court is **DIRECTED** to **STRIKE** Plaintiff's Notice of Withdrawal of Class Claims (ECF No. 64) from the docket. However, the Motion is **DENIED** to the extent that Plaintiff requests the Clerk to file the Notice of Withdrawal of Class Claims in his other case, 18-735. If Plaintiff wishes to file his Notice in 18-735 then he should refile it in that case.
6. The Partial Motion to Dismiss (ECF No. 77) and Motion to Dismiss (ECF No. 79) are **DISMISSED** as moot in light of Plaintiff's Supplement. The deadline to answer or

otherwise respond to the Complaint and Supplement thereto is stayed until after the remaining Defendants are served.

7. The Clerk of Court is directed to unterninated/reinstate the following Defendants: Dr. Robert Wittig, Dr. Pushkalai Pillai, Shelly Mankey, Tracy Shreeve, Frederick Waine, Mark Wahl, United States, US District for the Middle District of Pennsylvania, and Unknown Defendant Two.
8. The Clerk of Court is directed to have the Complaint and Supplement served on the following unserved Defendants: Dr. Robert Wittig, United States, US District for the Middle District of Pennsylvania, Capt. Schrader, CO Collins, CO King, CO Sanders, CO Adamson, CO Jones, CO McCombie, M. Smith, T. Funk, S. Fazzini, HEX Kerns-Barr, CHEX Dupont, CHEX Boyd, K. Falcione, J. Capra, J. Bert, D. Sacks, R. Alvarez, C. Stevens, C. Wettgen, Counselor Burris, D. Davis, N. Jamison, Dr. Pillai, Dr. Shiehk, A. West, and SCI Greene.

/s/ Lisa Pupo Lenihan
Lisa Pupo Lenihan
United States Magistrate Judge

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(Via CM/ECF electronic mail)