

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

| | | |
|--------------------------|---|---|
| BERNARD R. SCOTT, |) | |
| Plaintiff |) | |
| |) | |
| vs. |) | Civil Action No. 09-55J |
| |) | Judge Terrence F. McVerry |
| JAMEY P. LUTHER; JAMES |) | Chief Magistrate Judge Amy Reynolds Hay |
| WARRINGTON; MICHELLE |) | |
| DRISKEL HOUSER; JAMES M. |) | |
| SUTTON, |) | |
| Defendants |) | Re: Dkt. [42] |

ORDER

AND NOW, this 2nd day of July, 2010, after the Plaintiff,

Bernard R. Scott, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge giving the plaintiff until June 14, 2010 to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that Defendants' motion to dismiss is granted without prejudice to filing an amended complaint. Plaintiff has until **July 23, 2010** to file an amended complaint. If Plaintiff fails to do so on or before **July 23, 2010**, the Clerk shall mark the case closed.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

s/ Terrence F. McVerry

TERRENCE F. McVERRY
United States District Judge

cc: Honorable Amy Reynolds Hay
Chief United States Magistrate Judge

Bernard R. Scott
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All counsel of record via CM-ECF