

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

BYRON JONES,	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No. 14-260J
	)	Judge Kim R. Gibson/
CASE MANAGER SPOSATO <i>Loretto</i>	)	Magistrate Judge Maureen P. Kelly
<i>Camp</i> and COUNSELOR HITE <i>Loretto</i>	)	
<i>Camp,</i>	)	Re: ECF No. 35
Defendants.	)	

**ORDER**

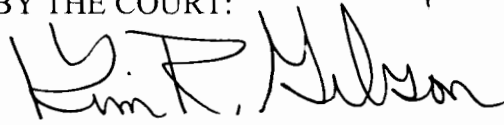
AND NOW, this 16<sup>th</sup> day of September, 2016, after Plaintiff Byron Jones (“Plaintiff”) filed an action in the above-captioned case, and after a Motion to Dismiss was filed by Defendants, ECF No. 35, and after a Report and Recommendation was filed by the Chief United States Magistrate Judge, ECF No. 44, and after an Order granting Plaintiff until September 9, 2016 to file Objections, ECF No. 46, 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, ECF No. 35, is GRANTED without prejudice to Plaintiff’s ability to file, within twenty (20) days of the date of this Order, an Amended Complaint as to the retaliation claim against Defendant Sposato with regard to the denial of the transfer furlough and the retaliation claim against Defendant Hite.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order, a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court,

at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive style with a horizontal line underneath it.

Kim R. Gibson  
United States District Judge

cc: The Honorable Maureen P. Kelly, Chief United States Magistrate Judge

BYRON JONES  
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Counsel of record via CM-ECF