

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 27<sup>th</sup> day of February, 2017, 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. 53, and upon considerations of the Objections filed by Plaintiff, ECF No. 54, 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 DENIED as to the claims against Defendant Sposato and GRANTED as to the claims against Defendant Hite without prejudice to Plaintiff's ability to file, within twenty (20) days of the date of this Order, a second Amended Complaint in which Plaintiff shall set forth all desired allegations and claims against all parties.

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 large initial "K".

---

Kim R. Gibson  
United States District Judge

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

BYRON JONES  
09702-058  
FCI Fort Dix  
P.O. Box 2000  
Fort Dix, NJ 08640

Counsel of record via CM-ECF