



Accordingly, **IT IS ORDERED THAT:**

- 1) The court adopts the report and recommendation of Magistrate Judge Durkin.
- 2) Plaintiff's complaint is dismissed for failure to state a claim upon which relief can be granted.
- 3) Plaintiff's "Motion for Court Order" is denied as moot.
- 4) It is certified that any appeal from this order will be deemed frivolous and not taken in good faith.
- 5) The Clerk of Court shall close the file.

  
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SYLVIA H. RAMBO, Chief Judge  
Middle District of Pennsylvania

Dated: December 12, 1997.