

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

DAWN GUTHRIE,	:	
	:	
Plaintiff	:	CIVIL ACTION NO. 1:20-2351
	:	
v.	:	(MANNION, D.J.)
	:	(SCHWAB, M.J.)
	:	
JOHN WETZEL, <i>et al.</i> ,	:	
	:	
Defendants	:	

ORDER

In accordance with this court's Memorandum issued this same day, **IT IS HEREBY ORDERED THAT:**

1. The December 13, 2021 report of Judge Schwab, **(Doc. 13)**, is **ADOPTED IN ITS ENTIRETY**.
2. The defendants' motion to dismiss, **(Doc. 6)**, the plaintiff's complaint, **(Doc. 1)**, is **DENIED**.
3. The objections of the defendants, **(Doc. 14)**, are **OVERRULED**.
4. The plaintiff's complaint, **(Doc. 1)**, will **PROCEED** with respect to all of its constitutional claims and against the defendants. George Little is substituted as a defendant for John Wetzel only to the extent that the former DOC Secretary is sued for

injunctive relief in his official capacity. Wetzel remains as a defendant with regards to plaintiff's claims for money damages against him in his individual capacity.

5. The plaintiff's claims for money damages against the defendants in their official capacities are **DISMISSED** since they are barred by the 11th Amendment. The plaintiff's claims for money damages against defendants Wetzel, Dr. Noel, and Dr. Reddy, in their individual capacities will **PROCEED**.
6. The plaintiff's claim for injunctive relief against Dr. Noel and Dr. Seid are **DISMISSED** since they are no longer employed by the DOC. Also, Dr. Seid is **DISMISSED** from this case and she will be automatically replaced by the current DOC Chief of Clinical Services under Rule 25(d), after counsel for defendants advises the court of the name of the new Chief.
7. To the extent that the plaintiff seeks declaratory judgment that the defendants violated her 8th Amendment rights in the past, this claim is **DISMISSED**. The plaintiff can **PROCEED** with her claim for declaratory judgment to the extent that she alleges ongoing violations of her constitutional rights by the defendants.

8. The Clerk of Court is directed to **REMAND THIS CASE** to Judge Schwab for further proceedings consistent with this Order, including directing the defendants to respond to the claims alleged against them in the plaintiff's complaint.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATE: January 12, 2022

20-2351-01-Order