

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

JUAN HOUSE,	:	
Plaintiff,	:	
	:	
v.	:	No. 2:18-cv-04283
	:	
DEVON SMITH,	:	
Defendant.	:	

ORDER

AND NOW, this 28th day of July, 2021, upon consideration of Plaintiff Juan House's Motions for Default Judgment Motion, *see* ECF Nos. 40, 44, and for the reasons set forth in the Opinion issued this date, **IT IS ORDERED THAT**:

1. The Motions for Default Judgment, ECF Nos. 40, 44, are **CONDITIONALLY GRANTED in part**, pending a damages hearing at which House will be required to establish damages as to his Fourth Amendment illegal search claim and his claim for malicious prosecution of the retail theft and receiving stolen property charges;

2. House's claims that the illegal search, malicious prosecution, and allegedly false arrest also violated his Fifth, Eighth, and Fourteenth Amendment rights, as well as his malicious prosecution claims relating to the harassment and disorderly conduct charges, are **DISMISSED with prejudice**;

3. A damages hearing is scheduled before the Honorable Joseph F. Leeson, Jr. for **September 22, 2021, at 2:00 p.m.**, at the Edward N. Cahn Courthouse and Federal Building, Third Floor, Courtroom C, 504 Hamilton Street, Allentown, Pennsylvania 18101;

4. Both parties **SHALL** be present at the hearing;

5. House shall be prepared to offer testimony and/or evidence to support damages as to his Fourth Amendment illegal search claim and his claim for malicious prosecution of the retail theft and receiving stolen property charges;

6. House is advised that if he fails to appear for the damages hearing, the case will be dismissed for failure to prosecute; and

7. The Clerk of Court is **DIRECTED** to send copies of the Opinion and Order to the parties at the addresses of record and, additionally, to:

Devon Smith
423 Beverly Blvd
Upper Darby, PA 19082-3714

Juan House
1221 Race Street
Philadelphia, PA 19107

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Judge