

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>DAVID TOWNSEND,</b>	:	
<b>Plaintiff,</b>	:	
	:	<b>CIVIL ACTION</b>
<b>v.</b>	:	
	:	<b>NO. 19-1023</b>
<b>CITY OF CHESTER, et al.,</b>	:	
<b>Defendants.</b>	:	

**ORDER**

**AND NOW**, this 29<sup>th</sup> day of July, 2020, upon consideration of the Motion to Dismiss by Defendant Officer Bradley Waltman (Doc. No. 16) and the Motion to Dismiss by Defendant City of Chester (Doc. No. 17), and there being no response from Plaintiff David Townsend, it is hereby **ORDERED** as follows:

1. Officer Waltman's Motion to Dismiss is **GRANTED IN PART** and **DENIED IN PART** as follows:
  - a. The Motion to Dismiss Plaintiff's selective enforcement claim under § 1983 is **DENIED**;
  - b. The Motion to Dismiss Plaintiff's § 1983 claims for false arrest and false imprisonment, malicious prosecution, and violation of the First Amendment is **GRANTED** and these claims are **DISMISSED WITHOUT PREJUDICE** to Plaintiff's right to file an amended complaint.
  - c. The Motion to Dismiss Plaintiff's state law claims for false arrest and false imprisonment, malicious prosecution, defamation and slander *per se*, and deceitful and fraudulent conduct is **GRANTED** and these claims are **DISMISSED WITHOUT PREJUDICE** to Plaintiff's right to file an amended complaint.
  - d. The Motion to Dismiss Plaintiff's state law claims for negligent performance of duty and violation of the Pennsylvania Constitution is **GRANTED** and these claims are **DISMISSED WITH PREJUDICE**.

2. The City of Chester's Motion to Dismiss is **GRANTED** as follows:
  - a. The Motion to Dismiss Plaintiff's § 1983 claim is **GRANTED** and this claim is **DISMISSED WITHOUT PREJUDICE** to Plaintiff's right to file an amended complaint.
  - b. The Motion to Dismiss Plaintiff's state law claims is **GRANTED** and these claims are **DISMISSED WITH PREJUDICE**.
  - c. The Motion to Dismiss Plaintiff's request for punitive damages is **GRANTED** and this request is **DISMISSED WITH PREJUDICE**
3. Within **thirty (30) days** from the date of this Order, Plaintiff may file an amended complaint that corrects any deficiencies in the claims that were dismissed without prejudice and repleads any claims that were not dismissed. Failure to do so may result in dismissal of the case.

**BY THE COURT:**

*/s/ Mitchell S. Goldberg*  
**MITCHELL S. GOLDBERG, J.**