

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

| | | |
|--------------------------------------|---|---------------------|
| HAROLD C. WILSON | : | CIVIL ACTION |
| Plaintiff, | : | |
| | : | |
| v. | : | |
| | : | |
| CITY OF PHILADELPHIA, et al., | : | |
| Defendants. | : | NO. 04-5396 |

ORDER

AND NOW, this 31st day of March, 2010, upon consideration of the Motion to Dismiss Plaintiff’s Complaint Against Defendants, former District Attorney Lynne Abraham, former District Attorney Ronald Castille, and former Assistant District Attorney Jack McMahon, and plaintiff’s opposition thereto, for the reasons explained in the accompanying Memorandum, it is hereby **ORDERED** that:

1. Defendants’ Motion to Dismiss is **GRANTED** in part and **DENIED** in part;
2. Defendants’ Motion to Dismiss is **GRANTED** to the extent that they request that plaintiff’s claims against former District Attorney Lynne Abraham be **DISMISSED** for lack of the required personal involvement under 42 U.S.C. § 1983;
3. Defendants’ Motion to Dismiss is **GRANTED** to the extent that they request that plaintiff’s claims alleging conduct taken in the moving defendants’ quasi-judicial role, as opposed to participation in investigatory conduct, be **DISMISSED**;
4. The Motion to Dismiss is **GRANTED** to the extent that defendants request that plaintiff’s claims against Assistant District Attorney Jack McMahon in his official capacity

be **DISMISSED**;

5. Defendant's Motion to Dismiss is **GRANTED** to the extent that defendants request that the state law claims against the moving defendants in their official capacities be **DISMISSED**;

6. The Motion to Dismiss is **DENIED** in all other respects.

BY THE COURT:

/s/ L. Felipe Restrepo
L. FELIPE RESTREPO
UNITED STATES MAGISTRATE JUDGE