

11D

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

PEARL BROWN

Plaintiff,

vs.

JOHN E. POTTER, POSTMASTER  
GENERAL, UNITED STATES POSTAL  
SERVICE

Defendant.

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CIVIL ACTION

NO. 06-695

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**ORDER**

AND NOW, this 9th day of October, 2009, upon consideration of Defendant's Motion to Dismiss, or Alternatively, for Summary Judgment (Document No. 10, filed June 1, 2006), for the reasons set forth in the Memorandum dated October 7, 2009, **IT IS ORDERED** that Defendant's Motion to Dismiss (Document No. 10) is **GRANTED**, and the alternative Motion for Summary Judgment is **DENIED AS MOOT**.

**IT IS FURTHER ORDERED** that plaintiff is granted leave to file an amended complaint within twenty days of the entry of the this order if warranted by the facts.

**BY THE COURT:**

*Jan E. Dubois*  
JAN E. DUBOIS, J.

*10-13-09  
Copy to  
P. Brown*