

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

DARREN HARCUM

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CIVIL ACTION

v.

MARCEL LEBLANC

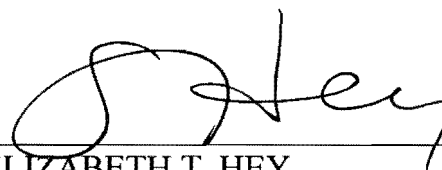
NO. 09-2512

ORDER

AND NOW, this 6th day of May 2010, after consideration of Defendant's motion to dismiss Plaintiff's Amended Complaint (Doc. 19), and pro se Plaintiff's response (Doc. 21), it is hereby ORDERED that the motion is GRANTED IN PART AND DENIED IN PART as follows:

1. The motion is DENIED as to Plaintiff's Eighth Amendment claim of excessive force related to Defendant's alleged kick; and
2. The motion is GRANTED as to Plaintiff's Eighth Amendment claims of excessive force related to Defendant's use of keys and delay of medical care. These claims are therefore DISMISSED WITH PREJUDICE.

BY THE COURT:



ELIZABETH T. HEY
UNITED STATES MAGISTRATE JUDGE