

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

ANTONIA GARCIA,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
vs.	:	No. 09-cv-3809
	:	
NEWTOWN TOWNSHIP, JOSEPH	:	
CZAJKOWSKI, THOMAS JIRELE,	:	
ROBERT CIERVO, PHILLI CALABRO,	:	
MICHAEL GALLAGHER, and	:	
JERRY SCHENKMAN,	:	
	:	
Defendants.	:	

ORDER

AND Now, this *2nd* day of March, 2010, upon consideration of Defendants' Motion to Dismiss Plaintiff's Complaint (Doc. Nos. 12 and 13) and Plaintiff's Memorandum of Law in Opposition thereto (Doc. No. 14), it is hereby ORDERED that the Motion is GRANTED IN PART and DENIED IN PART as follows:

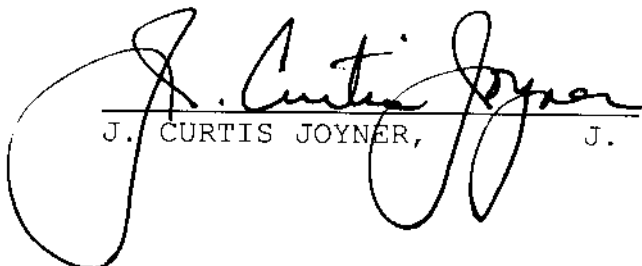
1. Counts Four (mislabeled as the second Count Three) and Five (mislabeled as Count Four) are DISMISSED with prejudice against the individual Defendants, Jirele, Ciervo, Calabro, Gallagher and Schenkman for failure to exhaust administrative remedies.

2. Plaintiff's claims for conspiracy and punitive damages against the individual defendants in their official capacities set forth in Counts Two and Three are DISMISSED with prejudice while the liberty interest claims in Counts Two and Three against

the individual defendants in their official capacity are DISMISSED with leave to Plaintiff to file an amended, more specific pleading if appropriate.

3. Defendants' Motion to Dismiss and/or for Summary Judgment is DENIED in all other respects.

BY THE COURT:



J. CURTIS JOYNER, J.