

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

|                             |   |              |
|-----------------------------|---|--------------|
| CHALMERS A. SIMPSON         | : | CIVIL ACTION |
|                             | : |              |
| v.                          | : |              |
|                             | : |              |
| OWNER OF DOLLAR TREE STORE, | : |              |
| ET AL.                      | : | NO. 09-6162  |

**ORDER**

**AND NOW**, this 19th day of January, 2011, upon consideration of Plaintiff's "Motion to Amend Complaint" (Docket No. 19), and "Motion To File Amended Complaint" (Docket No. 20),

**IT IS HEREBY ORDERED** as follows:

1. Plaintiff's Motion to Amend Complaint is **DISMISSED** as frivolous.
2. Plaintiff's Motion to File Amended Complaint is not a Motion, but is actually Plaintiff's Amended Complaint.
3. Plaintiff's claims, brought pursuant to 42 U.S.C. § 1983, for malicious prosecution in violation of the Fourth and Fourteenth Amendments and for violation of Article I, Section 8 of the Pennsylvania Constitution are **DISMISSED** pursuant to 28 U.S.C. § 1915A.
4. Plaintiff may proceed as to his claims for illegal search, false arrest, and false imprisonment in violation of the Fourth and Fourteenth Amendments, brought pursuant to 42 U.S.C. § 1983.
4. Police Officer McCarthy is substituted for Police Officer MacElroy as a Defendant in this action.
5. Police Officer Cooper is substituted for John Doe Officer as a Defendant in this action.

6. The Clerk shall amend the caption of this action to reflect the substitution of Police Officer McCarthy for Police Officer MacElroy and the substitution of Police Officer Cooper for John Doe Officer.

BY THE COURT:

/s/ John R. Padova

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John R. Padova, J.