

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

CHALMERS A. SIMPSON	:	CIVIL ACTION
	:	
v.	:	
	:	
CITY OF COATESVILLE, ET AL.	:	NO. 10-0100

ORDER

AND NOW, this 28th day of July, 2010, upon consideration of Plaintiff’s “Petition to Amend Complaint” (Docket No. 14), **IT IS HEREBY ORDERED** as follows:

1. The Petition is **DENIED**.
2. The claims asserted in Plaintiff’s proposed New Complaints 1, 2, 4, 5, 6, 8, and 9 are **DISMISSED WITH PREJUDICE** in their entirety pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e).
3. The claims asserted against Sergeant Pinto and Police Officer “John Doe White Male” in New Complaint No. 3 are **DISMISSED WITHOUT PREJUDICE** to Plaintiff filing an amended complaint that alleges facts sufficient to support all of the elements of claims under 42 U.S.C. § 1983 against these two Defendants for false arrest and malicious prosecution in violation of the Fourth Amendment in connection with Plaintiff’s May 1, 2008 arrest for trespass.
4. All of the other claims asserted in New Complaint No. 3 are **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915A .
5. The claims asserted in New Complaint No. 7 against Sergeant Pinto and Police Chief Mathew are **DISMISSED WITHOUT PREJUDICE** to Plaintiff filing an amended complaint that alleges facts sufficient to support all of the elements of a § 1983 claim

for malicious prosecution in violation of the Fourth Amendment against those two Defendants in connection with Plaintiff's September 7, 2007 arrest.

6. The claims asserted in New Complaint No. 7 against Police Officers "John Doe Black Bald Heavy Male" and "John Doe Italian Stocky Male" are **DISMISSED WITHOUT PREJUDICE** to Plaintiff filing an amended complaint that alleges facts sufficient to support all of the elements of § 1983 claims against those two Defendants for false arrest and excessive force in violation of the Fourth Amendment in connection with Plaintiff's May 1, 2008 arrest.
7. The § 1983 claims asserted in New Complaint No. 7 against Police Officer McCarthy and "John Doe Spanish Short Male" for unlawful seizure in violation of the Fourth Amendment in connection with the November 15, 2008 traffic stop are **STAYED** until the Pennsylvania Superior Court rules on Plaintiff's appeal, Docket No. 1993 EDA 2009.
8. All of the other claims asserted in New Complaint No. 7 are **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915A.
9. The following are **DISMISSED WITH PREJUDICE** as Defendants in this case: Judge Anthony A. Scarcione, Judge Thomas G. Gavin, Judge James P. MacElree, Judge Paula Francisco Ott, Judge John Hall, Judge Ronald C. Nagle, the Chester County District Attorney's Office, District Attorney Joseph Carrol, Deputy District Attorney Nicholas Casenta, ADA Donna Murphy, ADA Anne Marie Wheatcraft, ADA Jessica Krilivinsky, ADA John Pavloff, ADA Edward Gallen, ADA Stephen Kelly, Magisterial District Judge Nancy Gill, Magisterial District Judge Grover E.

Koon, constables, HUD, the Regency Apartment Complex, Amanda Brake, Danyell Johnson, “Black John Doe Tenant Short,” the Coatesville Police Department, “Jane Doe White Tall Female Sergeant,” Police Officer Macelroy, Police Officer “John Doe Black Heavier Male,” the City of Coatesville, the Chester County Board of Commissioners, Terence Farrell, Carol Aichele, Kathi Cozzone, Carolyn B. Welsh, Valentino F. Digiorgio III, the Chester County Probation and Parole Office, the Chester County Courthouse, Probation Officer Autumn Bryant, the Chester County Public Defender’s Office, Public Defender John Merrick, and Assistant Public Defenders Elizabeth Plasser, Dezzie R. Cole, Nathan Schenker, and “John Doe White Thin Curly Hair.”

10. Plaintiff may file **ONE** amended complaint, which must be mailed no later than August 30, 2010. The Amended Complaint may assert claims pursuant to § 1983 against: (1) Sergeant Pinto and Police Officer “John Doe White Male” for false arrest and malicious prosecution in violation of the Fourth Amendment in connection with Plaintiff’s May 1, 2008 arrest for trespass; (2) Sergeant Pinto and Police Chief Mathew for malicious prosecution in violation of the Fourth Amendment in connection with Plaintiff’s September 7, 2008 arrest; and (3) Police Officer “John Doe Black Bald Heavy Male” and Police Officer “John Doe Italian Stocky Male” for false arrest and excessive force in violation of the Fourth Amendment in connection

with Plaintiff's May 1, 2008 arrest for trespass. **The amended complaint may not add any additional claims or assert claims against any other Defendant.**

BY THE COURT:

/s/ John R. Padova

John R. Padova, J.