KING v. THE CITY OF PHILADELPHIA DEPARTMENT OF HUMAN SERVICES et al Doc. 11

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

TONY DPHAX KING, Jr.,	:	
Plaintiff,	:	
	:	**CIVIL ACTION**
v.	:	**NO. 10-02537**
	:	
CITY OF PHILADELPHIA, et al.,	:	
Defendant.	:	
	:	

O R D E R

AND NOW, this 29th day of October, 2010, upon review of Defendant's Motion to Dismiss [Doc. No. 2] and Plaintiff's Response thereto [Doc. No. 4], and for the reasons set forth in the attached memorandum opinion, it is hereby **ORDERED** that Counts I, II, III, IV, and VI of Plaintiff's complaint are dismissed with prejudice for failure to state a claim on which relief may be granted. Count V is dismissed without prejudice, and Plaintiff is granted leave to file an amended complaint, naming the proper defendant, with regard to Count V only, within twenty-one (21) days of the date of this Order.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFE, J.

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