

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

CHRISTOPHER MACHON,	:	
Plaintiff	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 11-4151
PENNSYLVANIA DEPARTMENT OF PUBLIC WELFARE, et al.,	:	
Defendants	:	

ORDER

AND NOW, this 23rd day of February 2012, it is ORDERED that Defendants’ Motion to Dismiss (Doc. No. 12) Plaintiff’s Amended Complaint (Doc. No. 10) is **Granted** in part, and **Denied** in part, as follows:

- All claims against Defendants DPW and Alexander are dismissed.
- All claims against Defendant Kent, in his official capacity, are dismissed.
- Defendants’ motion to dismiss Count I (1st amendment retaliation) is denied as to Defendants Kent, Szczurowski, Cannon, Puleo, Chopak, Virden, and Miller.
- Defendants’ motion to dismiss Count II (procedural due process - right to continued employment) against Defendant Kent is denied. Defendants’ motion to dismiss Count II (substantive due process) is granted.
- Defendants’ motion to dismiss Count III (14th Amendment equal protection) is granted.
- Judgement is reserved as to Defendants’ qualified immunity defense to Plaintiff’s Count IV (4th Amendment invasion of privacy) claim.
- Defendants’ motion to dismiss Count V (Pennsylvania tort claim for invasion of privacy) is denied without prejudice as to Defendants Cannon, Puleo, Chopyak, Virden, and Miller. The motion is granted as to Defendants Alexander, Kent, and Szczurowski.
- Defendants’ motion to dismiss Count VI (conspiracy) is granted.

s/Anita B. Brody

ANITA B. BRODY, J.

Copies **VIA ECF** on _____ to:

Copies **MAILED** on _____ to: