

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

GEORGE B. KEAHEY,	:	
	:	
Plaintiff,	:	CIVIL ACTION
v.	:	
	:	
	:	
BETHEL TOWNSHIP, PENNSYLVANIA , <i>et al.</i> ,	:	NO. 11-7210
	:	
Defendants.	:	
	:	

**ORDER**

**AND NOW**, this 15<sup>th</sup> day of *February*, 2012, upon consideration of Defendants’ Motion to Dismiss Plaintiff’s Amended Complaint (Docket No. 4), and Plaintiff’s Response in Opposition(Docket No. 6), it is hereby **ORDERED** that Defendants’ Motion (Docket No. 4) is **GRANTED IN PART** and **DENIED IN PART**:

1. Defendants’ Motion to Dismiss the 42 U.S.C. § 1983 claims (Counts I and II) is **GRANTED** to the extent Plaintiff’s claims allege deprivations of his Fourteenth Amendment substantive due process rights, but **DENIED** to the extent the claims allege deprivations of the Fourth Amendment based on the unconstitutional seizure of one’s person and personal property, and deprivation of Fourteenth Amendment procedural due process rights;
2. Defendants’ Motion to Dismiss the Conspiracy to Deprive Plaintiff of Constitutional Rights claim (Count III) is **DENIED**;
3. Defendants’ Motion to Dismiss the False Imprisonment claim (Count IV)<sup>1</sup> is **DENIED**;
4. Defendants’ Motion to Dismiss the Harassment claim (Count V) is **GRANTED**;

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<sup>1</sup> In his Amended Complaint and Response, Plaintiff refers to this Count as “Count III.” See Footnote 12 in Memorandum.

5. Defendants' Motion to Dismiss the Malicious Abuse of Process claim is **GRANTED**;
6. Defendants' Motion to Dismiss Plaintiff's request for punitive damages is **GRANTED** as to all § 1983 claims against Bethel Township, but **DENIED** to the extent that Plaintiff asserts claims against the officers in their individual capacities, and **DENIED** as to Plaintiff's state law claims;
7. Defendants' Motion to Dismiss based on the qualified immunity doctrine is **DENIED without prejudice** to raise at a later stage in the litigation;
8. All claims asserted against the Bethel Township Police Department as an entity separate from the Township are **DISMISSED**;
9. Defendants' request to dismiss Bethel Township as a party to the case is **DENIED**.

It is so **ORDERED**.

BY THE COURT:

*s/ Ronald L. Buckwalter*  
RONALD L. BUCKWALTER, S.J.