

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

TYREEK M. MAXWELL,	:	CIVIL ACTION
Plaintiff	:	
	:	
vs.	:	NO. 11-7565
	:	
MICHAEL NUTTER, MAYOR OF	:	
PHILADELPHIA, et al.,	:	
Defendants	:	

ORDER

AND NOW, this 23rd day of January, 2013, upon consideration of the defendants' partial motion to dismiss (Document #8), it is hereby ORDERED that the motion is GRANTED in part and DENIED in part.

IT IS FURTHER ORDERED that:

1. The portion of the motion seeking the dismissal of all claims against the Mayor of the City of Philadelphia and its Police Commissioner in their official capacities is GRANTED.
2. Pursuant to Rule 19(a)(2) of the Federal Rules of Civil Procedure, the City of Philadelphia is ADDED as a defendant to replace the Mayor and the Police Commissioner as defendants being sued in their official capacities.
3. The portion of the motion seeking the dismissal of all claims against the Mayor and the Police Commissioner in their personal capacities is DENIED.

BY THE COURT:

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, J.