

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

<b>JOHN BOOKER,</b>	:	
<b>Plaintiff,</b>	:	<b>CIVIL ACTION</b>
	:	
<b>v.</b>	:	
	:	
<b>MICHAEL NUTTER, et al.</b>	:	<b>NO. 12-00402</b>
<b>Defendants.</b>	:	

**ORDER**

**AND NOW**, this 24<sup>th</sup> day of September, 2014, upon consideration of Defendant City of Philadelphia’s motion to dismiss for failure to state a claim (Doc. No. 21) and any responses thereto, it is hereby **ORDERED** that motion is **DENIED**, in accordance with the accompanying memorandum.

BY THE COURT:

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