

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

ESTES SMITH : CIVIL ACTION
: :
v. : :
: :
PATRICK R. DONAHOE, : NO. 12-2639
Postmaster General

ORDER

AND NOW, this 15th day of January, 2013, upon consideration of Defendant's Motion to Dismiss Plaintiff's Amended Complaint, the response, reply, and sur-reply, and for the reasons stated in the accompanying Memorandum, IT IS HEREBY ORDERED that Plaintiff's request to WITHDRAW Count I of the Amended Complaint is GRANTED, and the Motion to Dismiss (Doc. 14), properly considered as one filed pursuant to Federal Rule of Civil Procedure 12(b)(6), is DENIED.

BY THE COURT:

/s/ELIZABETH T. HEY

ELIZABETH T. HEY
UNITED STATES MAGISTRATE JUDGE