

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

ANDRE JOHNSON

Plaintiff,

v.

CITY OF PHILADELPHIA *et al.*

Defendants.

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:
: CIVIL ACTION
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: NO. 13-cv-02963
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ORDER

AND NOW, this 7th day of August, 2013, upon careful consideration of defendants' motion to dismiss (Doc. No. 2), and plaintiff's opposition thereto, it is hereby **ORDERED** the motion to dismiss is **DENIED**.

The complaint in this action was filed in state court on April 5, 2013. The court's scheduling order of June 17, 2013, directed plaintiff to name the John Doe defendant within sixty days. He has not done so thus far. If plaintiff does not file a motion to name the John Doe defendant on or before September 17, 2013, the court will dismiss the John Doe defendant as a party without further notice to the plaintiff.

s/ William H. Yohn Jr.
William H. Yohn Jr., Judge