

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

JAMES SIMMERS,
Plaintiff,

CIVIL ACTION

v.

JAMES ELO; MIKE KELLY; TIMOTHY
DEERY; JOSE COLLAZO; JAMES W.
AVERY; JOSEPH RALSTON; ANDREW
KELLY; NEHEMIAH HAIGLER; JOHN
BRENNAN; AVRIL EKLUND; TIMOTHY
RILEY; and JOHN AND JANE DOES 1-25,
Defendants.

NO. 14-6609

ORDER

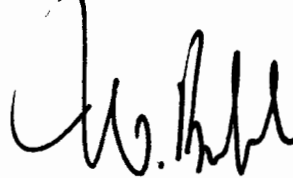
AND NOW, this 5th day of June, 2015, upon consideration of Commonwealth Defendants' Motion to Dismiss Plaintiff's First Amended Complaint (ECF No. 13) and the opposition thereto (ECF No. 14), **IT IS ORDERED** that the Motion is **GRANTED IN PART AND DENIED IN PART** as follows:

Counts II and IV are **DISMISSED WITH PREJUDICE**;

Count V is **DISMISSED WITHOUT PREJUDICE**; and

The Motion is **DENIED** in all other respects.

BY THE COURT:



WENDY BEETLESTONE, J.