

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

**ROBERT SHOFFNER, et al.**

**Plaintiffs**

**v.**

**MICHAEL WENEROWICZ, et al.**

**Defendants**

**CIVIL ACTION  
NO. 15-00392**

**ORDER**

**AND NOW**, this 13th day of July, 2015, upon consideration of Defendants' Motion to Dismiss (Doc. No. 5) and Plaintiffs' response in opposition (Doc. No. 7), it is **ORDERED** that the Motion is **GRANTED**:

1. Plaintiffs' putative class action claims are **DISMISSED** for lack of subject matter jurisdiction;
2. Plaintiffs' Fourth Amendment claim (Count I) is **DISMISSED**;
3. Plaintiffs' Eighth Amendment claim (Count II) is **DISMISSED WITHOUT PREJUDICE**;
4. Plaintiffs are granted leave to file an amended complaint on or before **July 27, 2015**.

BY THE COURT:

/s/ Gerald J. Pappert  
GERALD J. PAPPERT, J.