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

OMAR TYRICK SHAW,	:	
Plaintiff,	:	**CIVIL ACTION**
v.	:	
MICHAEL NUTTER	:	**No. 15-1209**
LOUIS GIORLA	:	
MICHELLE FARRELL,	:	
Defendants.	:	

ORDER

AND NOW, this 6th day of March, 2017, upon consideration of "Defendants' Motion to Dismiss for Failure to State a Claim" (Doc. No. 10) and Defendants' "Motion to Dismiss for Lack of Prosecution" (Doc. No. 16), it is hereby **ORDERED** that:

- Defendants' motion to dismiss Claim I for failure to state a claim (Doc. No. 10) is **GRANTED** as to Defendant Nutter, but **DENIED** as to Defendants Giorla and Farrell;
- Defendants' motion to dismiss Claims II and III for failure to state a claim (Doc. No. 10) is **GRANTED** as to all Defendants;
- Defendants' motion to dismiss (Doc. No. 16) for lack of prosecution is **DENIED**; and
- Plaintiff is given leave to amend only Count II within **30 (thirty) days** of this Order.

BY THE COURT:

/s/ Mitchell S. Goldberg

Mitchell S. Goldberg, J.