

Philadelphia Police Department on October 11, 2011, in which she alleged that Mr. Peele had intimidated a witness. He filed this civil action on July 7, 2015. Therefore, he is now time-barred from bringing this claim against Ms. McLaughlin.

Mr. Peele's claims against the City and County of Philadelphia will also be dismissed. Municipal liability cannot be imposed absent an allegation that unlawful actions were taken pursuant to a municipality's policies, practices, customs, regulations or enactments. Monell v. Department of Social Services, 436 U.S. 658 (1978). There are no such allegations in this amended complaint.

Finally, Mr. Peele is requesting immediate release from incarceration, which is a request that may only be brought in a petition for a writ of habeas corpus. It may not be included in a § 1983 action. Preiser v. Rodriguez, 411 U.S. 475 (1973).

II. CONCLUSION

Mr. Peele has advanced an "indisputably meritless legal theory." Neitzke v. Williams, 490 U.S. 319, 327 (1989). Accordingly, dismissal of this amended complaint as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) is appropriate.