

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

NOEL BATISTA,

Plaintiff,

v.

MAYOR MICHAEL NUTTER, et al.,

Defendants.

CIVIL ACTION  
NO. 15-4927

**ORDER**

**AND NOW**, this 4<sup>th</sup> day of August, 2017, upon consideration of Defendants' Motion to Dismiss (Docket No. 9), and all supporting and opposing papers, and for the reasons stated in the accompanying memorandum opinion, it is hereby **ORDERED** as follows:

1. Defendants' Motion to Dismiss (Docket No. 9) is **DENIED**.
2. Plaintiff is **GRANTED** leave to amend the complaint.
3. Plaintiff's amended complaint shall be filed within thirty (30) days of the date of this Order.

**BY THE COURT:**

**/s/ Jeffrey L. Schmehl**  
Jeffrey L. Schmehl, J.