

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

**CLEVELL S. ROSEBORO, II,**

**Plaintiff,**

**v.**

**LINCOLN UNIVERSITY, et al.,**

**Defendants.**

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**CIVIL ACTION**

**NO. 16-4951**

**ORDER**

**AND NOW**, this \_\_6th\_\_ day of September, 2017, upon consideration of Defendants Lincoln University, Robert Jennings, and Valerie Harrison’s Motion to Dismiss Plaintiff’s Complaint or to Strike Improper Allegations (Doc. 9), Defendant Denise Wilbur’s Motion to Join Defendants’ Motion to Dismiss Plaintiff’s Complaint or to Strike Improper Allegations (Doc. 20), Plaintiff’s Response in Opposition to Defendants’ Motion (Doc. 21), Defendants’ Reply in Support of their Motion (Doc. 24), and Plaintiff’s Sur-Reply (Doc. 27), **IT IS HEREBY ORDERED AND DECREED** that Defendants’ Motion is **GRANTED IN PART AND DENIED IN PART** as follows:

1. Defendants’ Motion is **GRANTED IN PART AND DENIED IN PART** as to Count One:
  - A. Defendants’ Motion as it relates to Plaintiff’s procedural due process claim for lack of pre-termination procedures in Count One is **GRANTED**. Plaintiff’s pre-termination procedural due process claim is **DISMISSED** as time-barred;
  - B. To the extent that Plaintiff asserts a procedural due process claim for inadequate post-termination procedures, Defendants’ Motion is **DENIED**;

C. Plaintiff's request to amend his Complaint to supplement his post-termination procedural due process claim in Count One is **GRANTED**. Plaintiff may make such amendment on or before **Wednesday September 27, 2017**;

2. Defendants' Motion is **DISMISSED AS MOOT** as to Count Two;
3. Defendants' Motion is **DENIED** as to Count Three;
4. Defendants' Motion is **DISMISSED AS MOOT** as to Count Four; and
5. Defendants' Motion to Strike Allegations is **DENIED**.<sup>1</sup>

**BY THE COURT:**

**/s/ Petrese B. Tucker**

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**Hon. Petrese B. Tucker, U.S.D.J.**

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<sup>1</sup> This Order accompanies the Court's Memorandum dated September 6, 2017.