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

RAYMOND L. WESTON : CIVIL ACTION

:

v. :

CITY OF PHILADELPHIA, COMMISSIONER

CHARLES H. RAMSEY, SERGEANT :

DIDONATO, SERGEANT GUILIAN, LIEUTENANT JOHN DOE, CAPTAIN JOHN DOE, CAPTAIN DETECTIVE JOHN DOE,

POLICE OFFICER HULMES, POLICE
OFFICER BANNING, POLICE OFFICER

QUINN, POLICE OFFICER LYNCH, POLICE : OFFICER JONES, and POLICE OFFICERS :

JOHN DOE 4.2

JOHN DOE 1–2 : NO. 17-2432

## **ORDER**

**NOW,** this 29th day of August, 2017, upon consideration of the Defendants' Motion to Dismiss Plaintiff's Complaint for Failure to State a Claim (Document No. 2), and the plaintiff's response, it is **ORDERED** that the motion is **GRANTED IN PART AND DENIED IN PART.** 

## IT IS FURTHER ORDERED as follows:

- 1. Counts I, II, IV, V and VI of the Complaint are **DISMISSED** as to all defendants, except defendant Police Officer Hulmes; and
- 2. Plaintiff is granted leave to file an amended complaint as to Counts IV and V only no later than September 13, 2017.

/s/TIMOTHY J. SAVAGE