

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

EVELYCE MUNGIA,

*Plaintiff,*

v.

CITY OF PHILADELPHIA *et al.*,

*Defendants.*

CIVIL ACTION  
NO. 18-2634

**ORDER**

**AND NOW**, this 29th day of October, 2018, after consideration of Defendant's Motion to Dismiss, (ECF No. 14), and Plaintiff's Response, (ECF No. 16), it is hereby

**ORDERED** that:

1. Count II for excessive force is **DISMISSED** without prejudice against Jackson and Nieves.
2. Count IV for municipal liability is **DISMISSED** without prejudice against Bensalem Township.
3. Count VI for theft is **DISMISSED** without prejudice against Jackson and Nieves.
4. Plaintiff may file a Second Amended Complaint, consistent with the attached Memorandum, on or before **November 13, 2018**.
5. Defendants Sweeney and City of Philadelphia must answer Plaintiff's Second Amended Complaint within the time prescribed by the Federal Rules of Civil Procedure.

BY THE COURT:

*/s/ Gerald J. Pappert*  
GERALD J. PAPPERT, J.