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

THEODORE SMITH,	:	
	:	
Plaintiff,	:	
	:	
v.	:	**CIVIL ACTION**
	:	
LOYSVILLE YOUTH DEVELOPMENT CENTER, et al.,	:	**NO. 19-3770**
	:	
	:	
Defendants.	:	

ORDER

AND NOW this 10th day of September, 2020, upon consideration of Defendants Loysville Youth Development Center, John Boyer, Jenny Naugle, Gregory Morgan, Robert Anchef, Evan Craig, Kevin Booher, Zachary Briggs, Russel Feeney, Bryce Gearhart, Michelle McGinnis, and Teresa Miller's (collectively, the "State Defendants") Motion to Partially Dismiss (ECF No. 8) Plaintiff's Amended Complaint (ECF No. 7), and Defendants the City and County of Philadelphia, the Philadelphia Department of Human Services, and Cynthia Figueroa's (the "City Defendants") Second Motion to Dismiss (ECF No. 10) Plaintiff's Amended Complaint, **IT IS HEREBY ORDERED AND DECREED** as follows:

1. The State Defendants' Motion to Partially Dismiss Plaintiff's Amended Complaint is **GRANTED**.[1]
2. The City Defendants' Second Motion to Dismiss Plaintiff's Amended Complaint is **GRANTED**.

[1] The Motion to Partially Dismiss is **GRANTED**. All claims against Defendant Loysville Youth Development Center and all claims against the Individual Defendants in their official capacities are **DISMISSED WITH PREJUDICE**. This Order is accompanied by the Court's September 10, 2020 Memorandum Opinion regarding these motions.

3. Plaintiff may proceed with the following claims:

(1) Count I against Defendants Gregory Morgan, Kevin Booher and Bryce Gearhart (the "Supervisory Defendants");

(2) Count IV against Defendants Gregory Morgan, Robert Anchef, Evan Craig, Kevin Booher, Zachary Briggs, Russel Feeney, Bryce Gearhart (the "Defendant Counselors");

(3) Count V against the Defendant Counselors;

(4) Count VI against the Defendant Counselors;

(5) Count IX against the Defendant Counselors;

(6) Count X against the Defendant Counselors; and

(7) Count XI against the Defendant Counselors and Defendant McGinnis.

4. **IT IS FURTHER ORDERED** that the City Defendants' Motion to Dismiss (ECF No. 3), the State Defendants' Motion to Dismiss (ECF No. 5), and Plaintiff's Motion for Extension of Time (ECF No. 6) are **DENIED AS MOOT** since Plaintiff subsequently filed an Amended Complaint.

BY THE COURT:

/s/ Petrese B. Tucker

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