

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

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| RONALD P. WALKER, | : | |
| Plaintiff, | : | CIVIL ACTION |
| | : | |
| v. | : | |
| | : | |
| CHARLES HENSLEY, <i>et al.</i> , | : | No. 08-0685 |
| Defendants. | : | |
| | : | |

ORDER

AND NOW, this 23rd day of December, 2009, upon consideration of the Motion to Dismiss in Part Plaintiff's Amended Complaint (paper no. 23), Defendants' Motion for Leave to File a Reply (paper no. 28); Plaintiff's Motion to Amend/Correct the Amended Complaint and for Leave to Serve Process Beyond 120 Days (paper no. 30), Defendant Cahill's Motion to Dismiss the Amended Complaint (paper no. 33), and all responses thereto; and after a hearing at which counsel for all parties were heard, it is **ORDERED** that:

1. Defendants' Motion for Leave to File a Reply (paper no. 28) is **DENIED**. Defendant's proposed reply brief, attached as Exhibit A to the motion in anticipation of the motion being granted, is hereby **STRICKEN** from the record.
2. All claims against Defendant Michael Hower are **DISMISSED** by agreement of the parties. The Clerk is instructed to strike his name from the caption.
3. Plaintiff's claims against the John Doe defendants are **DISMISSED**. The Clerk is instructed to strike all John Doe defendants from the caption.
4. In all other respects, Plaintiff's Motion to Amend/Correct the Amended Complaint and for Leave to Serve Process Beyond 120 Days (paper no. 30) is **DENIED**.
5. Defendants' Motion to Dismiss in Part Plaintiff's Amended Complaint (paper no. 23) and Cahill's Motion to Dismiss (paper no. 33) are **GRANTED** in part and **DENIED** in part.
 - (a) Count I of Plaintiff's Amended Complaint (paper no. 20) is **DISMISSED** as barred by the two-year statute of limitations.

- (b) Defendants Catherine McVey, Amy Clewell and Lawrence Murray are **DISMISSED**. The Clerk is instructed to strike their names from the caption.
 - (c) The motions are **DENIED** in all other respects.
6. The following counts remain:
- (a) Count II, retaliation, against Williams, Cahill and Danisavich;
 - (b) Count III, retaliation, against DiGuglielmo, Hensley and Pasquale;
 - (c) Count IV, retaliation, against Jacobson, Robertson and Gourley;
 - (d) Count V, conspiracy, against Jacobson, Robertson and Gourley;
 - (e) Count VI, unlawful seizure, against Jacobson, Robertson and Gourley;
 - (f) Count VII, deliberate indifference, against Williams, Cahill and Danisavich; and
 - (g) Count VIII, conspiracy, against Williams, Cahill and Danisavich.

/s/ Norma L. Shapiro

J.