

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

HEIDI STRAUSE, et al.,	:	CIVIL ACTION
Plaintiffs	:	
	:	
v.	:	NO. 09-2249
	:	
THOMAS STARNER,	:	
Defendant	:	

ORDER

STENGEL, J.

AND NOW, this 31st day of August, 2009, upon consideration of the defendant’s Motion to Dismiss (Document #5), it is hereby **ORDERED** that the motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. With respect to Count I (Illegal Seizure), the motion is **DENIED**;
2. With respect to Count II (Illegal Arrest), the motion is **GRANTED**;
3. With respect to Count III (Race Discrimination), the motion is **GRANTED**; and
4. Any request for punitive damages against the defendant in his official capacity is **DISMISSED**.

BY THE COURT:

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, J.