

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

LEIF HENRY,	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	NO. 12-1380
	:	
CITY OF ALLENTOWN, et al.,	:	
Defendants.	:	

ORDER

AND NOW, this 7th day of January 2013, upon consideration of Defendants' Motion to Dismiss (Doc. No. 5), Plaintiff's Response thereto (Doc. No. 9), Defendants' Motion for Leave to File a Reply Brief (Doc. No. 10), and Defendants' Reply (Doc. No. 10, Ex. A), **IT IS HEREBY ORDERED** that:

1. Defendants' Motion for Leave to File a Reply Brief is **GRANTED**.

Defendants' Reply, attached as Exhibit A to Defendants' Motion for Leave to File a Reply Brief, shall be deemed filed.

2. Defendants' Motion to Dismiss is **GRANTED**, as follows:

- a. Counts I and II are dismissed *without prejudice* to Plaintiff's right to file a second amended complaint, within fourteen (14) days of this Order, stating plausible § 1981 discrimination and § 1983 procedural due process claims against Defendants City of Allentown and Maclean;
- b. Count III is dismissed *with prejudice* as to Defendant MacLean;
- c. Count IV is dismissed *with prejudice* as to Defendant MacLean but *without prejudice* to Plaintiff's right to file a second amended

complaint, within fourteen (14) days of this Order, stating a plausible
ADA retaliation claim against Defendant City of Allentown.

3. Per my Order of August 27, 2012, discovery in this matter remains **STAYED**.

BY THE COURT:

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