

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

ERNESTO S. WEISBURG,

Plaintiffs,

v.

CHRISTOPHER M. PIEHOTA, et al.,

Defendants

CIVIL ACTION  
NO. 16-4017

**ORDER**

**AND NOW**, this 16<sup>th</sup> day of November, 2017, upon review of Defendants' Motion to Dismiss (ECF Docket No. 4), and all supporting and opposing papers, it is hereby **ORDERED** that Defendants' motion is **GRANTED** without prejudice with leave to refile. Plaintiff shall be given forty-five (45) days to file an amended complaint if he can file a claim on a basis that can withstand a legal challenge. Failure to do so will result in complete dismissal without further notice.

**BY THE COURT:**

**/s/ Jeffrey L. Schmehl**  
Jeffrey L. Schmehl, J.