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

MICHAEL B. SELIG,	:	
	:	
Plaintiff,	:	CIVIL ACTION NO. 17-4504
	:	
v.	:	
	:	
NORTH WHITEHALL TOWNSHIP ZONING HEARING BOARD, CHAIRMAN RICHARD BENJAMIN, and EUGENE WOLFGANG,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 24th day of April, 2018, after considering the motion to dismiss filed by the defendants, North Whitehall Township Zoning Hearing Board (Doc. No. 4), the response in opposition to the motion filed by the *pro se* plaintiff, Michael B. Selig (Doc. No. 7), the reply in response to the opposition brief filed by the defendants (Doc. No. 9), the sur-reply in response to the reply brief filed by the plaintiff (Doc. No. 11), the complaint (Doc. No. 1), and the oral arguments presented to the court on January 14, 2018; and for the reasons set forth in the separately filed memorandum opinion, it is hereby **ORDERED** as follows:

1. The motion to dismiss (Doc. No. 4) is **GRANTED IN PART** and **DENIED IN PART** as follows:

   a. The motion to dismiss, insofar as the defendants argue that the court must dismiss this action based on the *Rooker-Feldman* doctrine and *Younger* abstention, is **DENIED**;

   b. The motion to dismiss, insofar as the defendants argue that (1) the statute of limitations bars the plaintiff's claims based on the first zoning board decision, and (2) the plaintiff has failed to state a claim for violations of his substantive due process rights

and a conspiracy to violate his constitutional rights regarding both zoning hearing board proceedings, is **GRANTED** and those claims are **DISMISSED WITH PREJUDICE**; and

c. The motion to dismiss, insofar as the defendants contend that the plaintiff's complaint fails to state a claim for violations of his procedural due process rights relating to the second zoning hearing board proceeding, is **GRANTED** and those claims are **DISMISSED WITHOUT PREJUDICE**; and

2. The clerk of court shall mark this case as **CLOSED**.

BY THE COURT:

/s/ *Edward G. Smith*
EDWARD G. SMITH, J.