

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

CYRUS R. SANDERS,	:	
Plaintiff	:	CIVIL NO. 1:10-CV-01241
	:	
v.	:	(Judge Kane)
	:	
EMANUEL ROSE, et al.,	:	
Defendants	:	

ORDER

AND NOW, this 8th day of February 2016, upon consideration of Defendants’ Motion to Dismiss (Doc. No. 113), and for the reasons stated in the accompanying memorandum, **IT IS HEREBY ORDERED THAT** the Motion (Doc. Nos. 113) is **GRANTED IN PART AND DENIED IN PART** as follows:

- 1) Plaintiff’s claim of excessive use of force is hereby **DISMISSED** as to all Defendants except Officers Rose, Cryder, Brant, Throne, Lehman, and the Unknown Officers;
- 2) Defendants’ motion to dismiss is hereby **DENIED** as to Plaintiff’s retaliation claim;
- 3) Plaintiff’s claim that Defendants failed to intervene in the assault is hereby **DISMISSED** as to all Defendants except Officers Cryder, Brant, Throne, Lehman, and the Unknown Officers;
- 4) Defendants’ motion to dismiss is hereby **DENIED** as to Plaintiff’s claims of substantive and procedural due process violations resulting from the November 2, 2009 misconduct hearing;
- 5) Plaintiff’s claim regarding the seizure of his mail is hereby **DISMISSED** as to all Defendants;
- 6) Plaintiff’s claim regarding the inadequacy of the prison grievance procedure is hereby **DISMISSED** as to all Defendants;

7) Defendants shall file an answer to the remaining claims in the complaint within twenty (20) days of the date of this order.

S/ Yvette Kane
YVETTE KANE
U.S. District Judge
U.S. District Court
Middle District of Pennsylvania