

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

**MEL M. MARIN,**  
Plaintiff

v.

**JOE SCHMIDER,**  
Defendant

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**No. 1:14-cv-01523**

**(Judge Kane)**

**(Magistrate Judge Schwab)**

**ORDER**

**AND NOW**, on this 30th day of September 2015, **IT IS HEREBY ORDERED THAT:**

1. Magistrate Judge Schwab's Report and Recommendation (Doc. No. 47) is **ADOPTED**;
2. Plaintiff's objections (Doc. No. 54) are **OVERRULED**;
3. Defendant's objections (Doc. Nos. 49, 50) are **OVERRULED**;
4. Defendant's motion to dismiss (Doc. No. 15) is **GRANTED IN PART AND DENIED IN PART** as follows:
  - a. Plaintiff's procedural due process claim premised upon an asserted property interest in an EMT license is **DISMISSED WITH PREJUDICE**;
  - b. Plaintiff's "tortious interference with career" claim is **DISMISSED WITH PREJUDICE**;
  - c. Plaintiff's procedural due process claim based on a liberty interest is **DISMISSED WITHOUT PREJUDICE**; and
  - d. In all other respects, the motion is **DENIED**;
5. Plaintiff's request (Doc. 29-1 at 10) to have Defendant's motion to dismiss (Doc. No. 15) construed as one for summary judgment and denied as premature is **DENIED**; and
6. The above-captioned action is referred back to Magistrate Judge Schwab for further pre-trial management.

S/ Yvette Kane

Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania