

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

HORATIO OMAR ROBERSON,
Plaintiff

v.

CITY OF YORK and
MICHAEL LEE EBERSOLE,
Defendants

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No. 1:14-cv-2384

(Judge Kane)

ORDER

AND NOW, on this 11th day of December 2015, **IT IS HEREBY ORDERED THAT** Defendants City of York and Michael Lee Ebersole’s motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) (Doc. No. 17), is **GRANTED** as follows:

1. Plaintiff’s failure to train claim, Count I(A), is **DISMISSED WITHOUT PREJUDICE**;
2. Plaintiff’s “deliberate indifference in policy and customs” claim, Count I(B), is **DISMISSED WITHOUT PREJUDICE**;
3. Plaintiff’s malicious prosecution claim, Count II, is **DISMISSED WITHOUT PREJUDICE**; and
4. Plaintiff’s freedom of association, due process, and equal protection claims are **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER HEREBY ORDERED THAT Plaintiff is granted leave to amend his amended complaint (Doc. No. 12) within twenty days of the date of this order to cure the defects noted in the accompanying memorandum.

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