

for failure to state a claim under Fed. R. Civ. P. 12(c);

4) The motion to dismiss by Defendants Dauphin County Sheriff's Department, Deputy Sheriff Sean Reed, Deputy Sheriff McMillian, Probation Officer Brandon Reigle, Probation Officer Tom Walton and Probation Officer Burnell (Doc. 26) is **GRANTED in part and DENIED in part**, and:

a. all claims against the Dauphin County Sheriff's Department, Reed, McMillian, Reigle, and Burnell are **DISMISSED** for failure to state a claim under Fed. R. Civ. P. 12(b)(6);

b. the plaintiff's Eighth Amendment excessive force, Fourth Amendment unreasonable search, and state law claims against Walton are **DISMISSED** for failure to state a claim under Fed. R. Civ. P. 12(b)(6); and

c. the plaintiff's Fourth Amendment excessive force claim against Walton is permitted to proceed;

5) Plaintiff is **GRANTED** leave to file an amended complaint within thirty (30) days following partial dismissal of the original complaint; and

6) The matter is **REFERRED** back to the Magistrate Judge for further proceedings.

7) The Clerk of Court is hereby directed to terminate Defendant Dauphin County Adult Probation Office from the above captioned case.

s/ Yvette Kane

YVETTE KANE, District Judge
United States District Court
Middle District of Pennsylvania