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

PAUL ZERBY,   :
    Plaintiff   :
                                       :   **No. 1:16-cv-00383**
                v.   :
                                         :   **(Judge Kane)**
DOLLY I. WALTZ, <u>et</u> <u>al.</u>,   :
    Defendants   :

ORDER

AND NOW, on this 27th day of January 2017, in accordance with the Memorandum

entered concurrently with this Order, **IT IS ORDERED THAT** Defendants' motions to dismiss

(Doc. Nos. 6, 7, 8, 10), are **GRANTED**. The following claims against the following Defendants

are dismissed **<u>with prejudice</u>**:

1. Plaintiff's federal and state law claims against District Attorney David J. Freed;

2. Plaintiff's federal and state law claims against the Cumberland County District Attorney's Office and the East Pennsboro Township Police Department;

3. Plaintiff's state law claims against Cumberland County; and

4. Plaintiff's Fourth Amendment and common law malicious abuse of process claims against Detective Rodney Smith.

The Clerk of Court is directed to terminate Defendants District Attorney David J. Freed, the

Cumberland County District Attorney's Office, and the East Pennsboro Township Police

Department from the above-captioned action.

IT IS FURTHER ORDERED that the following claims against the following

Defendants are dismissed **<u>without prejudice</u>** to the Plaintiff's filing of a second amended

complaint in this matter within thirty (30) days from the date of this Order that corrects the

pleading deficiencies identified in the corresponding Memorandum:

1. Plaintiff's municipal liability claim against Cumberland County;

2. Plaintiff's Fourth Amendment malicious prosecution claim against Detective Rodney Smith;

3. Plaintiff's slander, libel, invasion of privacy, and civil conspiracy claims against Defendants Dolly I. Waltz and Kimberly Henning; and

4. Plaintiff's common law malicious prosecution and invasion of privacy claims against Detective Rodney Smith in his individual capacity.

<u>s/ Yvette Kane</u>
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania