

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

ROBERT LINSKEY,

Plaintiff,

v.

ANTHONY GUARIGLIA, ROSS LATONA,

MARTIN QUINN, MARK SINGER, and

BRUCE KNICK, in their Individual and

Official Capacities,

Defendants.

CIVIL ACTION NO. 3:11-2509

(JUDGE CAPUTO)

ORDER

NOW, this 16th day of April, 2012, **IT IS HEREBY ORDERED** that:

(1) Defendants' Motion to Dismiss Plaintiff's Second Amended Complaint (Doc. 7) is **GRANTED in part and DENIED in part**.

(2) Defendants' motion to dismiss Count III of the Second Amended Complaint is **GRANTED** and the improper state ouster claim is dismissed. Plaintiff has **twenty-one (21) days** from the date of this Order to amend the Second Amended Complaint to properly plead this claim; otherwise, the improper state ouster claim is dismissed with prejudice.

(3) Defendants' motion to dismiss Count I and Count II of the Second Amended Complaint is **DENIED**.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge