

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

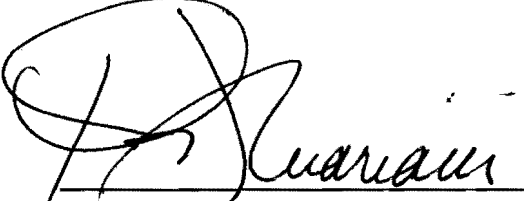
JAMES ETHEREDGE	:	
	:	
Plaintiff	:	
v.	:	3:11-CV-2330
	:	(JUDGE MARIANI)
M.L. HENRY, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, THIS 6TH DAY OF JANUARY 2014, upon consideration of Defendants' Motion to Dismiss Amended Complaint (Doc. 41) and all accompanying briefs, **IT IS HEREBY ORDERED THAT:**

1. Defendants' Motion to Dismiss Amended Complaint (Doc. 41) is **GRANTED IN PART AND DENIED IN PART.**
 - a. Plaintiff's gender-based Equal Protection claim is **DISMISSED WITH PREJUDICE.**
 - b. All facts arising before March 2008 in support of Plaintiff's sole remaining claim of an Equal Protection violation based on his sexual orientation are **DISMISSED WITH PREJUDICE.**
 - i. Accordingly, Defendants' motion to dismiss Plaintiff's Equal Protection claim based on sexual orientation is **DENIED WITHOUT PREJUDICE.**

c. Additionally, Defendants' motion to dismiss for lack of personal involvement is
DENIED WITHOUT PREJUDICE.



Robert D. Mariani
United States District Judge