

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

ROBERT WILLIAM MAWSON, SR., :

Plaintiff :

CIVIL ACTION NO. 3:13-1714

v

THE PITTSTON POLICE DEPT.,
et al.,

(MANNION, D.J.)
(SCHWAB, M.J.)

Defendants :

ORDER

For the reasons stated in the court’s memorandum issued this same day, **IT IS HEREBY ORDERED THAT:**

- (1) Judge Schwab’s report and recommendation, (Doc. [23](#)), is **ADOPTED IN FULL**;
- (2) The defendants’ motion to dismiss, (Doc. [13](#)), is **GRANTED IN PART** and **DENIED IN PART**;
- (3) The plaintiff’s §1983 claims for harm to reputation and abuse of process are **DISMISSED WITH PREJUDICE**;
- (4) The plaintiff’s claim of defamation is **DISMISSED WITHOUT PREJUDICE** to refile in a proper state court;
- (5) The Pittston Police Department, Officers Moyer and Shumotic, Sargent Murphy, and Chief Powers are **DISMISSED** from this

action entirely.

- (6) The clerk is **ORDERED** to terminate The Pittston Police Department, Officers Moyer and Shumusic, Sargent Murphy, and Chief Powers from this action;
- (7) In all other respects, the defendants' motion is **DENIED**;
- (8) The case will be **REFERRED** to Judge Schwab for further pre-trial proceedings as to the remaining §1983 fourth amendment claim against Officer DeSimone.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Dated: July 28, 2014

O:\Mannion\shared\MEMORANDA - DJ\CIVIL MEMORANDA\2013 MEMORANDA\13-1714-01-ORDER.wpd