

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

FREDERICK A. POSTIE, :
 :
 Plaintiff : **CIVIL ACTION NO. 3:14-00317**
 :
 v. : **(JUDGE MANNION)**
 :
 SGT. DUANE FREDERICK and :
 OFFICER ADAM SINTON, JR., :
 :
 Defendants :

ORDER

In accordance with the memorandum issued this same day, **IT IS HEREBY ORDERED THAT:**

- (1) Defendant Frederick's limited objections to the report and recommendation of Judge Mehalchick, **(Doc. 72, Doc. 73)**, are **OVERRULED**.
- (2) Judge Mehalchick's report and recommendation, **(Doc. 71)**, is **ADOPTED IN ITS ENTIRETY**.
- (3) The defendants' motion for summary judgment, **(Doc. 63)**, is **GRANTED IN PART AND DENIED IN PART**.
 - (A) The defendants' motion for summary judgment is **GRANTED** as to the plaintiff's Fourth Amendment malicious prosecution, false arrest, and false imprisonment claims against defendant Sinton on the basis of qualified immunity.
 - (B) The defendants' motion for summary judgment is **DENIED**

with respect to the plaintiff's state law assault and battery claims against defendant Sinton.

(C) The defendants' motion for summary judgment is **DENIED** with respect to the plaintiff's Fourth Amendment malicious prosecution, false arrest, and false imprisonment claims against defendant Frederick.

(4) A **Final Pretrial Conference** will be held at **1:30 p.m. on June 7, 2018**, in the William J. Nealon Federal Building & U.S. Courthouse, 235 N. Washington Ave., Scranton, PA in Courtroom 3.

(5) The **Trial** will begin with jury selection at **9:30 a.m. on June 25, 2018**, in the location noted above.

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

Date: April 11, 2018

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