

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

JUDSON JAMES SPENCER, JR., :
Plaintiff, :
v. :
BOROUGH OF MOOSIC, ET AL., :
Defendants. :

CIVIL ACTION NO. 3:14-1704
(JUDGE MANNION)

ORDER

In accordance with the Memorandum issued this same day, the motion to dismiss filed by the Borough of Moosic and Borough of Moosic Police Officer James A. Giehl (Doc. 47); the motion to dismiss filed by the City of Pittston (Doc. 48); the motion to dismiss filed by the Borough of Hughestown (Doc. 50); and the motion to dismiss filed by the Borough of Exeter and Borough of Exeter Police Officer Thomas Farrell (Doc. 51), are each **GRANTED IN PART AND DENIED IN PART.**

The motions are **GRANTED** to the extent that:

- (1) Each of the plaintiff's claims against the unnamed individual defendants, John Does I-XX, and the unnamed municipal defendants, John Doe Boroughs/Cities/Counties XXI-XXV, in the amended complaint will be dismissed without

prejudice;

- (2) Each of the plaintiff's claims under Count III against the Borough of Moosic, the Borough of Hughestown, the Borough of Exeter, and the City of Pittston in the amended complaint will be dismissed in its entirety with prejudice;
- (3) Each of the plaintiff's Fourteenth Amendment claims in the amended complaint will be dismissed in its entirety with prejudice.

In all other respects, the motions are **DENIED**.

s/ Malachy E. Mannion

MALACHY E. MANNION
United States District Judge

DATED: September 29, 2015

O:\Mannion\shared\MEMORANDA - DJ\CIVIL MEMORANDA\2014 MEMORANDA\14-1704-01-order.wpd