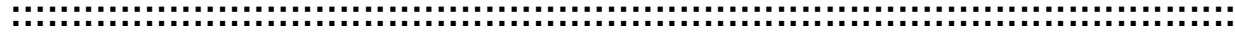


IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

<b>DELILAH A. GRAHAM-SMITH and</b>	:	<b>No. 3:14cv2159</b>
<b>RODNEY G. SMITH, her husband,</b>	:	
<b>Plaintiff</b>	:	<b>(Judge Munley)</b>
	:	
<b>v.</b>	:	
	:	
<b>WILKES-BARRE POLICE</b>	:	
<b>DEPARTMENT, CITY OF</b>	:	
<b>WILKES-BARRE, ALAN GRIBBLE, in</b>	:	
<b>his official and individual capacities</b>	:	
<b>and GERARD E. DESSOYE, in his</b>	:	
<b>official and individual capacities,</b>	:	
<b>Defendants</b>	:	



**ORDER**

**AND NOW**, to wit, this 19th day of May 2015, defendants’ motion to dismiss (Doc. 6) is **GRANTED** in part and **DENIED** in part as follows:

The motion is **GRANTED** with respect to:

1. All claims against the Wilkes-Barre Police Department. The Wilkes-Barre Police Department is **DISMISSED** from this action;
2. All claims against Chief Gerard E. Dessoys. Chief Dessoys is **DISMISSED** from this action;
3. Plaintiff’s federal claims against Officer Gribble in his official capacity are **DISMISSED** with prejudice;
4. Plaintiff’s Fifth and Fourteenth Amendment claims asserted in Count

I are **DISMISSED** with prejudice;

5. Plaintiff's negligent infliction of emotional distress claim asserted in Count VIII is **DISMISSED** with prejudice; and
6. Plaintiff's loss of consortium claim stated in Count IX is **DISMISSED** with prejudice.

The motion is **DENIED** in all other aspects. Defendants are further **ORDERED** to answer plaintiff's complaint within fourteen (14) days.

**BY THE COURT:**

s/ James M. Munley  
**JUDGE JAMES M. MUNLEY**  
**United States District Court**