

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ARMONI JOHNSON,

Plaintiff

v.

SERGEANT MICHAEL ROSKOSCI,

Defendant

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No. 3:15-CV-1232

(Judge Nealon)

FILED SCRANTON

JUL 25 2017

Per  DEPUTY CLERK

ORDER

AND NOW, THIS 24TH DAY OF JULY, 2017, in accordance with the

Memorandum issued this date, IT IS HEREBY ORDERED THAT:

1. Defendant’s motion to dismiss, (Doc. 33), is **GRANTED IN PART AND DENIED IN PART**;
2. Defendant’s motion, (Doc. 33), is **GRANTED** to the extent it seeks dismissal of any purported First Amendment retaliation claim, Eighth Amendment harassment claim, and Fourteenth Amendment discrimination claim;
3. Defendant’s motion is **DENIED**, (Doc. 33), to the extent it seeks dismissal of Plaintiff’s free exercise claim under the First Amendment because this claim has already been **PERMITTED TO PROCEED**;
4. Plaintiff’s First Amendment retaliation claim, Eighth Amendment harassment claim, and Fourteenth Amendment discrimination claim are **DISMISSED WITH PREJUDICE** for failure to comply with the Court’s Order issued on September 2, 2016 and failure to state a claim up which relief can be granted without leave to amend due to futility; and
5. Plaintiff’s First Amendment free exercise claim is **PERMITTED TO PROCEED** and Defendant is **DIRECTED TO FILE AN ANSWER** by August 24, 2017 regarding this claim as raised in the amended complaint, (Doc. 32).

/s/ William J. Nealon
United States District Judge