

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

ROBERT WILLIAM MAWSON, SR, :

Plaintiff, : **CIVIL ACTION NO. 3:16-0400**

v. : **(JUDGE MANNION)**

PITTSTON CITY POLICE :

DEPARTMENT, et al., :

Defendant :

ORDER

For the reasons set forth in the memorandum issued this same day, **IT IS HEREBY ORDERED** that the Report and Recommendation of Chief Magistrate Judge Schwab is adopted in full and the defendants' motion to dismiss the second amended complaint, (Doc. 65), is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. All claims against the Pittston Police Department are **DISMISSED**.
2. The plaintiff's due process claim is **DISMISSED**.
3. The plaintiff's claims based on the Pennsylvania Constitution, 18 U.S.C. §§241 & 242, and 42 U.S.C. §§1414, 2000m, and 3789(c) are **DISMISSED**.
4. The plaintiff's Fourth Amendment claim against defendant Schmosic based on the February stop is **DISMISSED**.
5. The plaintiff's Fourth Amendment claim against defendant DeSimone based on the June stop is **DISMISSED**.

6. The plaintiff's Fourth Amendment claims against defendants Schmosic and Powers based on the impoundment of the plaintiff's truck are **DISMISSED**.
7. The plaintiff's motions for leave to amend, (Docs. 86 & 89), are **DENIED**.
8. The plaintiff's motion for a preliminary injunction, (Doc. 21), is **DENIED**.
9. In all other respects, the motion to dismiss is **DENIED**.
10. The case is referred to Chief Magistrate Judge Schwab for further proceedings.

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

Dated: September 28, 2017

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