

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

ROBERT WILLIAM MAWSON, SR., :
Plaintiff : CIVIL ACTION NO. 3:16-400
v. : (MANNION, D.J.)
PITTSTON CITY POLICE :
DEPARTMENT, et at., :
Defendants :

ORDER

For the reasons set forth in the court's memorandum issued this same day, **IT IS HEREBY ORDERED THAT:**

- (1) The Report, (Doc. 191), is ADOPTED in part and NOT ADOPTED in part;**
- (2) Mawson's objections to the Report, (Doc. 193), are OVERRULED;**
- (3) Defendants' objections to the Report, (Doc. 195), are OVERRULED in part;**
- (4) Defendants' motion for summary judgment, (Doc. 157), is GRANTED in part and DENIED in part;**
- (5) The motion for summary judgment is GRANTED in favor of Defendants and against Mawson on (1) the Fourth Amendment claims against Officer DeSimone and Chief**

- Powers based upon the February Stop; (2) the Fourth Amendment claims against Officers DeSimone and Fernandes based upon the impoundment of the truck; (3) the First Amendment retaliation claims against Officers DeSimone and Fernandes and Chief Powers based upon the February Stop and traffic citations; (4) the First Amendment retaliation claims against Officers DeSimone and Fernandes and Chief Powers based upon the impoundment of the truck; (5) the Fourth Amendment claims against Officers Fernandes and Shumusic and Chief Powers based on the June Stop; and (6) the First Amendment retaliation claims based upon June Stop resulting traffic citations;
- (6) The motion for summary judgment is **DENIED** with respect to the Fourth Amendment claim against Officer Fernandes based upon the February Stop, and this claim shall **PROCEED** to trial.
- (7) By separate order the court will set a date for trial.

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

DATE: October 15, 2020

16-0400-03