

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

RALPH BRIGGS, SR.,

Plaintiff.

v.

POTTER COUNTY, GLENN DRAKE,
II, SUSAN KEFOVER, PAUL
HEIMEL, DOUGLAS MORLEY,
ANGELA MILFORD, KENNETH
SAULEY,

Defendants.

No. 4:17-CV-00419

(Judge Brann)

ORDER

AND NOW, this 13th day of November 2017, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. The Motion to Dismiss filed by Potter County, Glenn Drake, II, Susan Kefover, Paul Heimel, Douglas Morley, Angela Milford, and Kenneth Sauley, ECF No. 6, is **GRANTED IN PART AND DENIED IN PART** as follows:
 - a. The motion is **GRANTED WITHOUT PREJUDICE** as to Plaintiff's § 1983 claims (Counts I and II) against Potter County, Susan Kefover, Paul Heimel, and Douglas Morley.

- b. The motion is **DENIED** as to Plaintiff's § 1983 claim against Sheriff Sauley.
 - c. The motion is **DENIED** as to the issues of whether this Court has subject matter jurisdiction, whether Plaintiff has failed to exhaust his administrative remedies, and whether Plaintiff's claims are preempted.
2. Plaintiff is **GRANTED** leave to amend her complaint, as indicated in the accompanying Memorandum, **no later than twenty one (21) days** from the date of this Order.
 3. Defendants are **GRANTED** leave to raise, in response to any amended complaint filed by Plaintiff, the issues of whether this Court has subject matter jurisdiction, whether Plaintiff has failed to exhaust his administrative remedies, and whether Plaintiff's claims are preempted.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge