

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

TRISHA TSHUDY,

Plaintiff,

v.

PENNSYLVANIA STATE
UNIVERSITY,

Defendant.

No. 4:22-CV-01431

(Chief Judge Brann)

ORDER

NOVEMBER 18, 2022

In accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that Defendant's Motion to Dismiss (Doc. 29) is **GRANTED** as follows:

1. Plaintiff's first cause of action (violation of due process rights) is **DISMISSED** with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6);
2. Plaintiff's second cause of action (discrimination under the Americans with Disabilities Act) is **DISMISSED** without prejudice pursuant to Federal Rule of Civil Procedure 8(a)(2);¹

¹ Plaintiff is given leave to amend her Complaint within 10 (ten) days of this Order.

3. Plaintiff's third cause of action (violation of First Amendment rights) is DISMISSED with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6).

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge