

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHRISTOPHER BATCH,

Plaintiff,

v.

JOSEPH LAURICIA, *et al.*

Defendants.

2:19-CV-01046-CCW

District Judge Christy Criswell Wiegand  
Chief Magistrate Judge Cynthia Reed Eddy

ECF Nos. 55, 59, 61

**MEMORANDUM ORDER**

This case has been referred to Chief United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On August 16, 2021, the Magistrate Judge issued a Report, ECF No. 75, recommending that: (i) the Westmoreland County ADAs' (Defendants James Lazar, Pete Carwello, and John Petrush) Second Motion to Dismiss for Failure to State a Claim, ECF No. 55, be granted in its entirety and Plaintiff's claims against the Westmoreland County ADAs be dismissed with prejudice; (ii) Judicial Defendants' (Defendants Christiann Flanigan and Christopher Feliciani) Second Motion to Dismiss, ECF No. 59, be granted in its entirety and Plaintiff's claims against the Judicial Defendants be dismissed with prejudice; and (iii) PSP Troopers' (Defendants Jason Morgan and Joseph Lauricia) Motion to Dismiss, ECF No. 61, be granted in part and denied in part. Service of the Report and Recommendation was made on the parties, and no objections have been filed.

After a review of the pleadings and documents in the case, together with the Report and Recommendation, it hereby is **ORDERED** that (i) the Westmoreland County ADAs' Second Motion to Dismiss for Failure to State a Claim, ECF No. 55, is **GRANTED**; (ii) Judicial Defendants' Second Motion to Dismiss, ECF No. 59, is **GRANTED**; and (iii) PSP Troopers' Motion to Dismiss, ECF No. 61, is **GRANTED** with respect to Plaintiff's Fifth, Sixth, Eighth, Ninth, and Fourteenth Amendment claims, Plaintiff's claims for conspiracy under the Fourth Amendment for false arrest and malicious prosecution, and Plaintiff's constitutional defamation claim, all of which should be dismissed with prejudice, and **DENIED** with respect to Plaintiff's claim for First Amendment retaliation, claim for conspiracy under the First Amendment, and claims for common law defamation, intentional infliction of emotional distress and abuse of process.

It is further **ORDERED** that the Chief Magistrate Judge's Report and Recommendation, ECF No. 75, is adopted as the Opinion of the District Court.

IT IS SO ORDERED.

DATED this 8th day of September, 2021.

BY THE COURT:

/s/ Christy Criswell Wiegand  
CHRISTY CRISWELL WIEGAND  
United States District Judge

cc :

The Honorable Cynthia Reed Eddy  
Chief Magistrate Judge

Christopher Batch  
433 Parkwood Road Pittsburgh, PA 15210

All Counsel of Record via CM/ECF