IN THE UN ITED STAT ES DISTRI CT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ERNESTO CALARZA						,il	Acti	on					
Plaintiff					Civ No). 10		0681	5				
	VS.)									
MARK SZALC GREG MARI CHRISTIE C individ L CITY OF A L LEHIGH COL	NO, and CORREA Ial capad LENTO	c ities WN,and	, an	d)									
<u>ORDER</u>													
	Now, t	his 3	0th day	of Ma	ırch	, 20)12, u	р	on cons	i de	ration	of	f the
following document s:													
	(1)		Defend Amend filed M	led Com		nt,		mo	otion to tion to t 55); t	d	Dismis ismiss gether	wa	he s th
(A)ndum in φposition to													
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		(C)		Defenda of His M Complai 2011 (De	o nt	tion to	h r	ismi	k's R ss th was	eply e An filed	nended	upp d July	
	(2)		Defend Amend filed Ju	led Com	ego plair 7, 20	ńt,	Marino which I (Doc	mo	Motion tion to nt 62);	d	Dismi ismiss ogethe	wa	the s ith
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		(B)		Plaintiff Defenda memora (Docume	ant Indu		no's	Mo	m in O tion t luly 8	ppos o Dis , 201	smiss	to , wh	iich

(3)		Defend Correa Compl which (Docur togethe	i's aint mot nent	s, City Motion Pursu- ion to o 51)("A with	to ant di	f Allent Dismis to Fed smiss entowr	ss I.R was	wn and Plaintif .Civ.P. filed A rrea Me	f 1 .p	ristie 's Ame 2(b)(6) ril 25, 2 on");	,	d 011
	(A)		City Moti Purs men	norandu of A on to suant norandu cument	llent Disi to Fe Im of	own miss ed.R. · law	and Ame Civ.I	uppor Chris ended C P. 12 filed	t of I tie C omp (b)(6 Apri	orre laint 5), w	ndar a's hich , 20	
	(B)		Aller men	ntiff on to ntown norandu cument	Disi and um w		by D stie	m in O Defend Corr May 23	ants	sition City which	to of	
(4)		Defend First A which (Docur	me mot	Lehigh nded C ion to c 50); to	Comp di	ounty's laint U smiss ether v	nd was	otion to er F.R. filed A h	C.	Dismis P. 12(k ril 25, 2)(he 6), 011
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	(B)		the I 12(b	endant	Leh Am whi	emora igh C ended ch me (Docu	ount Com mora	m in O ry's M nplaint andum t 58);	otior Unc	ler F. filed	to Disn R.C.	
(5)		First A April 6				laint, fi ument		led by ; togeth		aintiff or)	n
	(A)		lmm	bit A igrati abora	, "All on a tion"	nd Cu	ston	Polic n[s] E d (Do	nford	epartm cemen ent 46		
	(B-1)		Erne and	bit B esto G signe cument	alarz d by	S. IC za, d defe 1); a	ated	etaine Nove nt Mar		pla r 21, alczy	intiff 2008 k,	
	(B-2)		Deta	bit B ainer d Nov	, car for p emb		atior tiff E 200	rne	U.S. sto (ICE Galar	za,	

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after ora I argumen t held De cember 15, 2011; a nd for th e reasons expressed in the a ccompanyi ng Opinio n,

First Ame

nded Comp laint.

IT IS ORD ERED that Defendan t Mark Sz alczyk's Motion to Dismiss t he Amende d Complai nt is gra nted in p enied in art and d part. IT IS FUR THER ORDERED that plaintiff 's proced ural due process c laim agai nst defen dant Mark Szalczyk is dismi ssed from the

IT IS FUR THER ORDERED that Defendant Mark Sza Iczyk's M otion to Dismis s the Ame nded Comp laint is denied to the exte nt that i t seeks to dismis s plainti ff's Four th Amendm ent and e qual prot ection cl aims against d efendant Mark Szal czyk.

IT IS FUR THER ORDIRED that Defendant Gregory Marino's Motion to Dismis s the Ame nded Comp laint is granted.

IT IS FUR THER ORDERED that plaintiff 's claims against defendant Gregory Marino ar e dismiss ed from t he First Amended Complaint .

IT IS FUR THER ORDERED that Defendant s, City o f Allento wn and Christie Correa's Motion to **Dismiss** Plaintiff 's Amende d Complai nt Pursuant to Fed.R. Civ.P. 12 nd denied (b)(6) is granted in part a in part.

IT IS FUR THER ORDERED that plaintiff 's proced ural due process c laim agai nst defen dant Chri stie Corr ea is dis missed fr om the First Ame nded Comp laint.

IT IS FUR THER ORDERED that the Allen town/Corr ea Motion is denied to the exte nt that i t seeks t o dismiss plaintif f's Fourt h ion claim s against defendan t Christi е Correa.

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IT IS FUR THER ORDIRED that plaintiff 's claims against defendant City of Allentown are dism issed fro m the Fir st Amende d Complaint .

IT IS ORD ERED that Defendan t Lehigh County's Motion to Dismiss t he First Amended Complaint Under F.R .C.P. 12(b)(6) is granted.

IT IS FUR THER ORDERED that plaintiff 's claims against Lehigh County ar e dismiss ed are di smissed f rom the F irst Amen ded Compl aint.

BY THE COURT:

/s/ Jame s Knoll G ardner

James Kno II Gardne r

United St ates Dist rict Cour t