

- (3) Defendant s, City o f Allento wn and Ch ristie Correa’s Motion to Dismiss Plaintiff ’s Amende d Complaint Pursuant to Fed.R .Civ.P. 1 2(b)(6), which mot ion to di smiss was filed Ap ril 25, 2 011 (Document 51)(“All entown/Co rrea Moti on”); together with
 - (A) Memorandum of Law in Suppor t of Defe ndants, City of A llentown and Chris tie Corre a’s Motion to Dismiss Amended Complaint Pursuant to Fed.R. Civ.P. 12 (b)(6), w hich memorandum of law was filed April 25 , 2011 (Document 51-1); a nd
 - (B) Plaintiff ’s Memora ndum in O pposition to Motion to Dismiss by Defend ants City of Allentown and Chri stie Corr ea, which memorandum was fil ed May 23 , 2011 (Document 57);
- (4) Defendant Lehigh C ounty’s M otion to Dismiss t he First Ame nded Comp laint Und er F.R.C. P. 12(b)(6), which mot ion to di smiss was filed Ap ril 25, 2 011 (Document 50); tog ether wit h
 - (A) Defendant Lehigh C ounty’s M emorandum of Law in Suppor t of Its Motion to Dismiss the First Ame nded Comp laint Und er F.R.C. P. 12(b)(6), which me morandum of law wa s filed April 25, 2011 (Do cument 50 -1); and
 - (B) Plaintiff ’s Memora ndum in O pposition to Defendant Lehigh C ounty’s M otion to Dismiss the First Amended Complaint Under F. R.C.P. 12(b)(6), which me morandum was filed May 23, 2 011 (Docu ment 58); and
- (5) First Ame nded Comp laint, fi led by pl aintiff o n April 6, 2011 (Doc ument 46) ; togethe r with
 - (A) Exhibit A , “Allent own Polic e Departm ent and Immigrati on and Cu stom[s] E nforcemen t (ICE) Collabora tion”, un dated (Do cument 46 -1);
 - (B-1) Exhibit B , U.S. IC E Detaine r for pla intiff Ernesto G alarza, d ated Nove mber 21, 2008, and signe d by defe ndant Mar k Szalczy k, (Document 46-1); a nd
 - (B-2) Exhibit B , cancell ation of U.S. ICE Detainer for plain tiff Erne sto Galar za, dated Nov ember 24, 2008;

after oral argument held December 15, 2011; and for the reasons expressed in the accompanying Opinion,

IT IS ORDERED that Defendant Mark Szalczyk's Motion to Dismiss the Amended Complaint is granted in part and denied in part.

IT IS FURTHER ORDERED that plaintiff's procedural due process claim against defendant Mark Szalczyk is dismissed from the First Amended Complaint.

IT IS FURTHER ORDERED that Defendant Mark Szalczyk's Motion to Dismiss the Amended Complaint is denied to the extent that it seeks to dismiss plaintiff's Fourth Amendment and equal protection claims against defendant Mark Szalczyk.

IT IS FURTHER ORDERED that Defendant Gregory Marino's Motion to Dismiss the Amended Complaint is granted.

IT IS FURTHER ORDERED that plaintiff's claims against defendant Gregory Marino are dismissed from the First Amended Complaint.

IT IS FURTHER ORDERED that Defendants, City of Allentown and Christie Correa's Motion to Dismiss Plaintiff's Amended Complaint Pursuant to Fed.R. Civ.P. 12 (b)(6) is granted in part and denied in part.

IT IS FURTHER ORDERED that plaintiff's procedural due process claim against defendant Christie Correa is dismissed from the First Amended Complaint.

IT IS FURTHER ORDERED that the Allentown/Correa Motion is denied to the extent that it seeks to dismiss plaintiff's Fourth Amendment and equal protection claims against defendant Christie Correa.

IT IS FURTHER ORDERED that plaintiff's claims against defendant City of Allentown are dismissed from the First Amended Complaint.

IT IS ORDERED that Defendant Lehigh County's Motion to Dismiss the First Amended Complaint Under F.R.C.P. 12(b)(6) is granted.

IT IS FURTHER ORDERED that plaintiff's claims against Lehigh County are dismissed from the First Amended Complaint.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Court