



Prior to the hearing, Rodriguez filed a complaint in this court alleging that the issuance of the citations constituted a taking without just compensation in violation of the Fifth Amendment. We granted the motions to dismiss of defendants Chester County Health Department, Carol Aichele, Andrew E. Dinniman, Donald A. Mancini, Joseph Arvay, and District Magistrate Judge James V. DeAngelo. Rodriguez v. Pennsylvania, No. Civ.A. 05-5468 (E.D. Pa.) (Order dated Dec. 7, 2005). Rodriguez has since filed an amended complaint. He asserts the same cause of action against these defendants, as well as the Commonwealth of Pennsylvania, and District Magistrate Judges Michael J. Cabrey, III and Barbara LaRosa. The amended complaint also adds an additional plaintiff, Owen Britton Troxelle, who brings charges against Judges DeAngelo and LaRosa. He alleges that after serving Judge DeAngelo with Rodriguez's complaint, Judges DeAngelo and LaRosa "attacked [him] with criminal charges" and "railroaded" him through court. The Commonwealth and Judges DeAngelo, LaRosa, and Cabrey have not been served.

Defendants Chester County Health Department, Carol Aichele, Andrew E. Dinniman, Donald A. Mancini, and Joseph Arvay, move to dismiss the amended complaint for the reasons set forth in our Order dismissing them from the first complaint. Id. Under precedents of the Supreme Court and our Court of Appeals, Rodriguez's claims against these defendants must be dismissed because they are not ripe for review. Williamson Co. Regional Planning Comm'n v. Hamilton Bank, 473 U.S. 172, 195 (1985);

County Concrete Corp. v. Twp. of Roxbury, 442 F.3d 159, 164 (3d Cir. 2006).

The ripeness doctrine addresses the point at which a proper party may bring an action and affects our subject-matter jurisdiction. Taylor Inv., Ltd. v. Upper Darby Twp., 983 F.2d 1285, 1290 (3d Cir. 1993); Armstrong World Indus. v. Adams, 961 F.2d 405, 411 (3d Cir. 1992). A plaintiff's as-applied Fifth Amendment takings claim is not ripe until "the government entity charged with implementing the regulations has reached a final decision regarding the application of the regulations to the property at issue", and the plaintiff has "unsuccessfully attempted to obtain just compensation through [adequate state] procedures provided." Williamson, 473 U.S. at 186, 194-95; accord County Concrete Corp., 442 F.2d at 164.

Rodriguez's appeal from the finding of guilt on the citations is still pending in the Court of Common Pleas of Chester County. Thus, his claim against defendants Chester County Health Department, Carol Aichele, Andrew E. Dinniman, Donald A. Mancini, and Joseph Arvay under the Fifth Amendment is not ripe and will be dismissed for lack of subject-matter jurisdiction. Armstrong, 961 F.2d at 410.

