

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

VERNON HILL,	:	CIVIL ACTION
	:	
	:	
Plaintiff,	:	
	:	
v.	:	NO. 11-7329
	:	
	:	
LT. KNAPP, ET AL.,	:	
	:	
	:	
Defendants.	:	

ORDER RE: MOTION TO DISMISS

And NOW, this 21st day of August, 2013, having reviewed Defendants' Motion to Dismiss (ECF No.10) and Plaintiff's responses thereto (ECF Nos. 11 & 12), it is ORDERED that:

1. Plaintiff's official capacity claims are DISMISSED;
2. Plaintiff's claims of racial discrimination are DISMISSED without prejudice pursuant to the Prison Litigation Reform Act because they were not raised in administrative proceedings;
3. Defendants' motion to dismiss Plaintiff's procedural due process claim, considered in the light most favorable to Plaintiff, is DENIED and discovery shall proceed on this claim only at this time.

If Plaintiff wishes to amend or supplement his complaint pursuant to Rule 15 of the Federal Rules of Civil Procedure, he shall promptly file such a motion.

BY THE COURT:

Lawrence F. Stengel for

Michael M. Baylson, U.S.D.J.