

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

BRYANT KEVIN JOHNSON : CIVIL ACTION
v. :
MONTGOMERY COUNTY PRISON WARDEN :
LAWRENCE V. ROTH, JR., et al. : NO. 04-01760-JF

MEMORANDUM AND ORDER

Fullam, Sr. J. October , 2004

Among the defendants being sued by plaintiff, a prisoner acting *pro se*, are two Uwchlan Township police officers, Owen and Crawford. They have moved for summary judgment. Their motion will be granted in part and denied in part.

The defendants were investigating plaintiff in connection with a counterfeit check scam. They learned from plaintiff's Montgomery County parole officer that plaintiff had moved to Philadelphia, and was being supervised by a Philadelphia parole officer. They learned that plaintiff had apparently violated his parole, so they obtained a warrant for his arrest for a parole violation.

When the officers arrived at plaintiff's residence, plaintiff locked himself inside the house. The officers then contacted the Philadelphia Police Department, who came to the residence and arrested plaintiff, after informing the defendant

officers that they had received a report of shots being fired from the residence.

According to the defendant officers, they never entered the house, and had no contact with plaintiff other than handcuffing him and taking him into custody. Plaintiff, on the other hand, contends that these defendants assaulted him, broke into his house (causing extensive damage) and that, acting in concert, the group of law enforcement officers stole a large sum of money from inside the residence.

To the extent that plaintiff asserts that these defendants are liable because they acted outside their jurisdiction, and that they are liable for false arrest, plaintiff cannot prevail. Defendants were authorized by statute to act outside of their jurisdiction when assisting a local law enforcement officer, 42 Pa. Cons. Stat. § 8953; and the officers had a facially-valid warrant for plaintiff's arrest. There may, however, be disputed issues of material fact with respect to plaintiff's claims that the officers applied unreasonable force in arresting him, and that they participated in the theft of his money. The credibility of plaintiff's evidence cannot be ruled upon at this juncture.

An Order follows.

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ORDER

AND NOW, this day of October 2003, upon
consideration of the motion for summary judgment filed by
defendants Owen and Crawford, IT IS ORDERED:

1. That the motion is GRANTED IN PART, and all of
plaintiff's claims are DISMISSED with prejudice except his claims
relating to (1) the alleged use of excessive force against him,
and (2) the alleged theft of his money.

John P. Fullam, Sr. J.