

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

LEORA TUCKER : CIVIL ACTION  
: :  
v. : :  
: :  
CITY OF PHILADELPHIA, : :  
PHILADELPHIA PRISON SYSTEM : :  
and LOU GIORLA : NO. 06-CV-03152-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

November 8, 2006

Plaintiff is employed as a corrections officer. She has brought this action against defendants named as "City of Philadelphia, Philadelphia Prison System, a Department of the City of Philadelphia" and "Lou Giorla, Individually and in his Official Senior Supervisory and Policy-Maker Capacity as Warden of the Curran-Fromhold Correctional Facility," asserting claims of constitutional violations under 28 U.S.C. § 1983, employment discrimination under Title VII, discrimination in violation of the Pennsylvania Human Relations Act, and defamation. The defendants have filed a motion to dismiss under Fed. R. Civ. P. 12(b)(6).

Although plaintiff's complaint is replete with repetitive factual detail, it is apparent that none of plaintiff's claims can validly be asserted at this time. She has not obtained a right-to-sue letter from the EEOC or from the Pennsylvania Human Relations Commission; there is no such entity as "City of Philadelphia, Philadelphia Prison System"; the

defendant Giorla is not plaintiff's employer for purposes of Title VII; and the defendants are immune from state-law claims for defamation.

For all of these reasons, plaintiff's complaint will be dismissed, without prejudice to her right to file an amended complaint which can properly allege that she has availed herself of administrative remedies and has obtained the necessary right-to-sue letter. Any such amended complaint should name only suable entities as defendants.

An Order follows.

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ORDER

AND NOW, this 8<sup>th</sup> day of November 2006, IT IS ORDERED:

Plaintiff's complaint is DISMISSED in its entirety,  
without prejudice to plaintiff's right to file an amended  
complaint in conformity with the accompanying memorandum, if the  
facts warrant.

BY THE COURT:

/s/ John P. Fullam  
John P. Fullam, Sr. J.