

IN THE COMMONWEALTH OF PENNSYLVANIA

RYAN WHEELER,

Plaintiff,

v.

THERESA DELBALSO, et al.,

Defendants.

: IN THE COURT OF COMMON PLEAS  
: OF LUZERNE COUNTY  
:  
: CIVIL ACTION - LAW  
:  
:  
:  
: No. 2014-00358

FILED  
PROTHONOTARY  
LUZERNE COUNTY  
2014 NOV 26 PM 5:13

**ORDER**

AND NOW, this 26<sup>th</sup> day of November, 2014, upon consideration of the preliminary objections and supporting brief of Defendants Theresa L. Delbalso, Lloyd Kerschner and Joseph Dupont (collectively, "Defendants") and the brief in opposition thereto of Plaintiff Ryan Wheeler ("Plaintiff"), **IT IS HEREBY ORDERED** as follows:

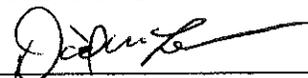
1. Defendants' preliminary objection pursuant to Pa.R.Civ.P. 1028(a)(4) challenging the legal sufficiency of Plaintiff's procedural due process claim for the alleged violation of his Fourteenth Amendment rights under the United States Constitution brought pursuant to 42 U.S.C. § 1983 is hereby **SUSTAINED** and Plaintiff's procedural due process claim is dismissed, with prejudice.

2. Defendants' preliminary objection pursuant to Pa.R.Civ.P. 1028(a)(4) challenging the legal sufficiency of Plaintiff's negligence claim is hereby **SUSTAINED** and Plaintiff's negligence claim is dismissed, with prejudice.

3. The Prothonotary of Luzerne County is directed to enter this Order of record and to mail a copy of this Order to all counsel of record or, if unrepresented, to each party pursuant to Pa.R.C.P. 236.

*Copies made  
12-3-14*

BY THE COURT:



David W. Lupas, J.

