

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

| | | |
|----------------------------------|---|--------------|
| AMERICAN CIVIL RIGHTS UNION, | : | |
| Plaintiff, | : | CIVIL ACTION |
| v. | : | NO. 16-1507 |
| | : | |
| PHILADELPHIA CITY COMMISSIONERS, | : | |
| Defendant. | : | |

ORDER

AND NOW, this 9th day of September, 2016, upon consideration of Defendant’s Motion for Leave to File a Reply Brief, (Dkt No. 28), it is hereby ORDERED the said Motion is GRANTED and Defendant’s Reply Brief shall be docketed as of the date of this Order.

FURTHER, upon consideration of Defendant’s Motion to Dismiss, (Dkt No. 22), Plaintiff’s Response in Opposition, (Dkt No. 27), and Defendant’s Reply Memorandum of Law in Support of Its Motion to Dismiss, (Dkt No. 28), it is hereby ORDERED that Defendant’s Motion is GRANTED insofar as:

1. Defendant Moves to Dismiss Count I of Plaintiff’s Amended Complaint, which Plaintiff does not oppose, Defendant’s Motion is GRANTED and Count I is DISMISSED WITH PREJUDICE;
2. Defendant Moves to Dismiss Count II of Plaintiff’s Amended Complaint for legal insufficiency as to the removal of incarcerated felons from voter rolls, Defendant’s Motion is GRANTED and Count II is DISMISSED WITH PREJUDICE;
3. Defendant Moves to Dismiss Count II of Plaintiff’s Amended Complaint for factual insufficiency as to the general removal of ineligible registrants from voter rolls, Defendant’s Motion is GRANTED and Count II is DISMISSED WITHOUT PREJUDICE; Plaintiff is granted leave to file a second amended complaint no later than September 23, 2016.

FURTHER, upon consideration of Plaintiff's First Motion for Preliminary Injunction, (Dkt No. 14), and in light of the foregoing, it is hereby ORDERED that Said Motion is DENIED AS MOOT.

The Clerk's Office is hereby directed to close this matter.

BY THE COURT:

/s/ C. Darnell Jones, II

C. DARNELL JONES, II J.