

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DONELL L. PRINCE,

Plaintiff,

v.

THOMAS AIELLOS,

Defendants.

Civil Action No.: 09-5429 (JLL)

ORDER

LINARES, District Judge.

This matter comes before the Court by way of seven motions to dismiss the Complaint filed by the Defendants in this action. Based on the reasons set forth by the Court in its corresponding Opinion dated October 8, 2010,

IT IS on this 8th day of October, 2010,

ORDERED that the motions to dismiss filed under Docket Entry Nos. 86, 89, 92, 93, and 94 are granted in part and denied in part; and it is further

ORDERED that the motions to dismiss filed under Docket Entry Nos. 88 and 91 are granted; and it is further.

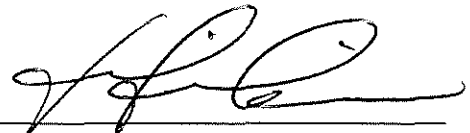
ORDERED that Plaintiff's claims of false arrest and false imprisonment are dismissed with prejudice as to all Defendants; and it is further

ORDERED that all claims asserted against the Superior Court of New Jersey, Bergen Vicinage, Municipal Division, the Hackensack Municipal Court, and the Hackensack Police Department are dismissed with prejudice; and it is further

ORDERED that Plaintiff is granted leave to amend his conspiracy to maliciously prosecute and equal protection claims. Should Plaintiff wish to do so, he **shall** be guided by the directives set forth by the Court in its October 8, 2010 Opinion. A Third Amended Complaint may be filed with the Court **on or before October 29, 2010**. Failure to do so will result in the dismissal with prejudice

of the conspiracy to maliciously prosecute and equal protection claims. Should Plaintiff choose not to re-plead such claims, the Second Amended Complaint will remain the operative complaint in this matter and the case will proceed solely as to Plaintiff's malicious prosecution claim as against Defendant Sgt. Aiello.

IT IS SO ORDERED.



JOSE L. LINARES,
UNITED STATES DISTRICT JUDGE