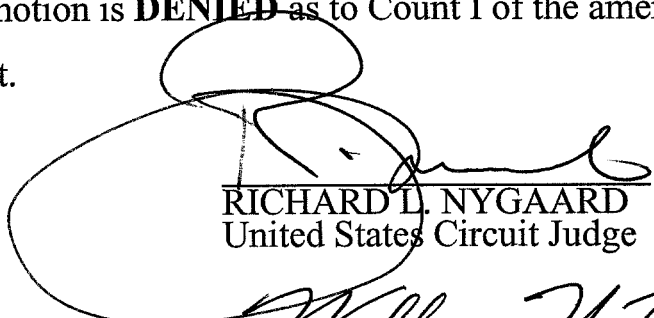




(4) Defendant Presiding Officers' motion to dismiss pursuant to Rule 12(b)(6) is **GRANTED IN PART** and **DENIED IN PART**, as follows:

(A) The motion is **GRANTED** as to Counts II, III, IV and V of the amended complaint;

(B) The motion is **DENIED** as to Count I of the amended complaint.



RICHARD L. NYGAARD  
United States Circuit Judge



WILLIAM H. YOHN, Jr.  
United States District Judge



SYLVIA H. RAMBO  
United States District Judge

Dated: February 22, 2002.

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

\* \* MAILING CERTIFICATE OF CLERK \* \*

February 22, 2002

Re: 1:01-cv-02439 Vieth v. Commonwealth of PA

True and correct copies of the attached were mailed by the clerk  
to the following:

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cc:			
Judge	( )	Nygaard	( ) Pro Se Law Clerk
Magistrate Judge	( )	Yohn	( ) INS
U.S. Marshal	( )		( ) Jury Clerk
Probation	( )		
U.S. Attorney	( )		
Atty. for Deft.	( )		
Defendant	( )		
Warden	( )		
Bureau of Prisons	( )		
Ct Reporter	( )		
Ctroom Deputy	( )		
Orig-Security	( )		
Federal Public Defender	( )		
Summons Issued	( )	with N/C attached to complt. and served by:	U.S. Marshal ( ) Pltf's Attorney ( )
Standard Order 93-5	( )		
Order to Show Cause	( )	with Petition attached & mailed certified mail	to: US Atty Gen ( ) PA Atty Gen ( )
			DA of County ( ) Respondents ( )
Bankruptcy Court	( )		
Other _____	( )		

MARY E. D'ANDREA, Clerk

DATE: 2/22/02

BY:   
Deputy Clerk