

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

SCOTT F. FETTEROLF and)	
TERSA E. FETTEROLF,)	
)	
Plaintiffs,)	
v.)	Civil No. 2:18-cv-939
)	
BOROUGH OF SEWICKLEY)	
HEIGHTS,)	
)	
Defendant.)	

ORDER

And now, this 31st day of October, 2018, following consideration of the Complaint filed in the above matter as well as the defense 12(b)(6) Motion to Dismiss and briefing thereon, as well as the Plaintiff's briefing in response, and having heard arguments on this date, this Court concludes that the present action is not ripe for this Court to exercise jurisdiction in accordance with the terms of the Pennsylvania Municipalities Planning Code.

The matter of the notice of violation issued by the Defendant concerning the zoning matter at issue is presently pending proceedings before the zoning hearing board. A final decision from that board has not yet been issued.

Accordingly, the Defendant's motion to dismiss (ECF No. 9) is GRANTED, without prejudice. This matter is hereby dismissed. In light of the dismissal of the action, the Plaintiff's motion for preliminary injunction (ECF No. 3) is moot.

s/Marilyn J. Horan
Marilyn J. Horan
United States District Judge