

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Thaddeus T. Langston,

Case No. 3:15 cv 2576

Plaintiff

v.

MEMORANDUM OPINION
AND ORDER

Lucas County Board of
Developmental Disabilities, et al.,

Defendants

This matter is before me on the Defendants' motion to dismiss all claims against Defendants Myers, McDougall, and Mariucci and to dismiss Count II against Defendant Lucas County Board of Developmental Disabilities based upon deficiencies in the complaint. Also before me is Plaintiff's opposition thereto.

The original complaint alleges claims of racial discrimination in violation of Title VII, 42 U.S.C. § 1981, and O.R.C. § 4112 et seq. Defendants move for dismissal of the Section 1981 claims against the individuals, correctly noting that Section 1981 does not create a private cause of action against state actors. The Sixth Circuit holds that "the express cause of action for damages created by § 1983 constitutes the exclusive federal remedy for violation of the rights guaranteed in § 1981 by state governmental units." *Arendale v. City of Memphis*, 519 F.3d 587, 589-99 (6th Cir. 2008) (citation omitted). The Defendants note that the complaint does not contain a claim invoking relief under Section 1983.

On February 8, 2016, Plaintiff filed an Amended Complaint (Doc. No. 11) and his opposition to the motion to dismiss. In his opposition, the Plaintiff contends the Amended

Complaint corrects omission of the Section 1983 claims, effectively mooting the Defendants' motion.

Having reviewed the Amended Complaint, I agree Plaintiff has stated claims under Section 1983 and that his amendments cure the deficiencies noted by the Defendants. For these reasons, the Defendants' motion to dismiss (Doc. No. 9) is denied as moot.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge