

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

|                             |   |                          |
|-----------------------------|---|--------------------------|
| ARTHUR JOHNSON,             | ) |                          |
|                             | ) |                          |
| Plaintiff,                  | ) |                          |
|                             | ) |                          |
| v.                          | ) | CASE NO. 1:13-CV-414-MEF |
|                             | ) | (WO - Do Not Publish)    |
| COFFEE COUNTY COMMISSION;   | ) |                          |
| JAMS KELLEY; RANDY TINDELL; | ) |                          |
| and CARL DRUMMOND,          | ) |                          |
|                             | ) |                          |
| Defendants.                 | ) |                          |

**ORDER**

Now pending before the Court is the Motion for Partial Dismissal of Plaintiff’s Complaint or, in the Alternative, Motion for More Definite Statement (Doc. #15) filed by Defendants Coffee County Commission, James Kelley, Randy Tindell, and Carl Drummond (collectively, “Defendants”). On March 31, 2014, a hearing was held on this motion, and counsel for all parties was in attendance. After a review of the record, and based upon representations made by counsel at the hearing, it is hereby ORDERED as follows:

1. The following claims in Plaintiff’s complaint are DISMISSED WITHOUT PREJUDICE: (1) Plaintiff’s First Amendment claims; (2) any claims alleging violations of the Alabama Constitution; (3) any claims brought against the individual defendants in their official capacities; (4) any Title VII claims; (5) any procedural due process claims; and (6) any equal protection claims.

2. Plaintiff is ORDERED to file an amended complaint no later than April 14,

2014, that complies with this Order and the Court's directives from the March 31, 2014 hearing, and that more fully and adequately sets forth Plaintiff's remaining 42 U.S.C. §§ 1981, 1983, 1985, 1986, and state law claims.

3. Defendants' Motion to Dismiss (Doc. #15) is DENIED WITH LEAVE TO REFILE following the filing of Plaintiff's amended complaint.

DONE this the 31<sup>st</sup> day of March, 2014.

/s/ Mark E. Fuller  
UNITED STATES DISTRICT JUDGE