

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

T.P.R., by and through his parent,)	
DONNA PATTERSON-RUDOLPH,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:08cv813-WKW
)	(WO)
MONTGOMERY PUBLIC SCHOOLS,)	
<i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On April 2, 2009, the Magistrate Judge filed a Recommendation (Doc. # 18) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is ORDERED as follows:

1. The Recommendation is ADOPTED.
2. Defendants' motion to dismiss Plaintiff's IDEA claims (Doc. # 8) is GRANTED and Plaintiff's IDEA claims are DISMISSED with prejudice.
3. The Defendants' motion to dismiss the claims against the Montgomery Public Schools and the individual Defendants in their official capacities (Doc. # 8) is GRANTED and Plaintiff's claims against the Montgomery Public Schools and the individual Defendants in their official capacities are DISMISSED with prejudice.

4. To the extent Plaintiff asserts that Defendants violated the Due Process Clause by failing to follow their own regulations and state law, Defendants' motion to dismiss (Doc. # 8) is GRANTED and Plaintiff's Due Process claim is DISMISSED with prejudice.

5. To the extent Plaintiff asserts that Defendants violated the Due Process Clause by failing to provide adequate notice or give T.P.R. an opportunity to dispute the charges against him prior to his suspension and de facto expulsion, Defendants' motion to dismiss is DENIED.

6. Plaintiff's claims that Defendants Washington, Everage, Johnson, LaCoste, Robinson, Thomas, Dilworth, and Price in their individual capacities violated the Due Process Clause by failing to provide adequate notice or give T.P.R. an opportunity to dispute the charges against him prior to his suspension and de facto expulsion are REFERRED BACK to the Magistrate Judge for appropriate proceedings.

Done this 23rd day of April 2009.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE