

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

JANIE D. COBB,)	
)	
Plaintiff,)	
v.)	CASE NO. 2:09-cv-226-MEF
)	WO
STATE OF ALABAMA, DEPARTMENT)	
OF HUMAN RESOURCES, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the Court that:

1. The plaintiff's objection (Doc. #18) to the Recommendation of the Magistrate Judge filed on September 14, 2009 is OVERRULED;

2. The Recommendation of the Magistrate Judge (Doc. #17) entered on September 1, 2009 is ADOPTED in part and REJECTED in part as set out below;

3. Defendants' "Motion to Dismiss, or in the Alternative, for More Difinite [sic] Statement" (Doc. #5) is DENIED insofar as it seeks dismissal of the complaint prior to amendment but GRANTED as to the request for a more definite statement;

4. Plaintiff's "Motion for Leave to File Amended Complaint" (Doc. #7) is GRANTED;

5. Plaintiff's "Motion to Amend Motion for Leave to File Amended Complaint" (Doc. #11) is GRANTED;

6. Plaintiff is DIRECTED to show cause why Defendants' Motion to Dismiss on Behalf of Deceased Party (Doc. #14) should not be GRANTED on or before October 30, 2009;

7. Defendants' Second Motion to Dismiss (Doc. #9), as supplemented (Doc. #13), is DENIED to the extent that it seeks dismissal of this matter for failure to state a claim upon which relief can be granted, but GRANTED to the extent that it seeks an Order requiring Plaintiff to make a more definite statement;

8. It is hereby ORDERED that the Magistrate Judge shall conduct a status conference at his earliest convenience for the purpose of explaining to the *pro se* plaintiff the responsibilities she bears for articulating the basis of her claims in an amended complaint and that the Magistrate Judge shall set an appropriate deadline for the filing of an amended complaint making a more definite statement of her claims; and

9. Plaintiff is cautioned that she is responsible for following the procedures applicable in this court and advised that this is her final chance to properly articulate her claims.

DONE this the 7th day of October, 2009.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE