

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

JESSIE TOMPKINS,	)	
	)	
Plaintiff,	)	
v.	)	CASE NO. 2:10-cv-1015-MEF
	)	WO
JIMMY BARKER, <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. #58) to the Recommendation of the Magistrate Judge filed on August 1, 2011 is overruled;
2. The Recommendation of the Magistrate Judge as amended (Doc. #53 & 56) are adopted;
3. Plaintiff's Petition for Emergency Preliminary Injunction (Doc. #44) is DENIED.
4. The Board Defendants' Motion to Dismiss (Doc. #27) is GRANTED in part and DENIED in part, Defendant Williams' Motion to Dismiss (Doc. #31) is GRANTED, and Defendant Norton's Motion to Dismiss (Doc. #40) is GRANTED as follows:
  - a. Plaintiff's claims pursuant to Title VII of the Civil Rights Act of 1964 are DISMISSED as to all Defendants except for the Montgomery County Board of Education.

b. Plaintiff's claims pursuant to Title IX and 42 U.S.C. §§ 1983 & 1985 are DISMISSED as to all Defendants.

c. All Defendants, excluding the Montgomery County Board of Education, are DISMISSED as parties to this action.

5. Plaintiff's Motion for Leave to Add Defendant Joseph Morton (Doc. #45) is DENIED.

6. Plaintiff's Motion for Leave to File His Second Amended Complaint (Doc. #46) is DENIED.

7. Plaintiff's Motion for Protective Order (Doc. #48) is DENIED.

8. That this matter is referred back to the Magistrate Judge for further appropriate proceedings.

DONE this the 15<sup>th</sup> day of August, 2011.

/s/ Mark E. Fuller  
UNITED STATES DISTRICT JUDGE