

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

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|--------------------------------|---|----------------------------------|
| LEROY JOHNSON, JR., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 2:11-CV-493-WKW |
| |) | (WO) |
| TRUMAN CARTER, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

ORDER

On June 22, 2011, Plaintiff Leroy Johnson, *pro se*, filed this action against Defendants Captain D’s, LLC, and Truman Carter in his capacity as “area director” of Captain D’s. On July 20, 2011, the defendants filed a motion to dismiss or, in the alternative, motion to stay and compel arbitration (Doc. 9). After careful review of the motion, the briefs filed in support of and in opposition to the motion, and the supporting and opposing evidentiary materials, the undersigned entered a recommendation that the motion to dismiss should be denied, but the motion to stay and compel arbitration should be granted. (Doc. 14). Johnson filed a timely objection to the recommendation (Doc. 15) in which he contended that the court “overlooked” his argument that the written Employment Dispute Resolution Plan is an “elect[ive] document.” Accordingly, it is

ORDERED that the Recommendation entered on September 20, 2011 (Doc. 14) be and is hereby **WITHDRAWN**.

Done this 13th day of February, 2012.

/s/Charles S. Coody
CHARLES S. COODY
UNITED STATES MAGISTRATE JUDGE