

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

AL KENNETH SCOTT,)	
)	
Plaintiff,)	
v.)	Case No. 2:11cv586-WHA
)	
LOWNDES COUNTY, et al.,)	(wo)
)	
Defendants.)	

ORDER

This case is before the court on the Defendant Lowndes County’s Motion to Reconsider (Doc. #13). This court had previously concluded that Lowndes County was not due to be dismissed because the case lacked factual development to establish the Defendant investigator’s status as a state or county official. Lowndes County contends that this determination can be made as a matter of law, based on the allegations of the Complaint. Accordingly, it is hereby

ORDERED that the Plaintiff shall show cause, if any there be, **on or before September 9, 2011**, why the motion should not be granted. In its response, the Plaintiff should include a discussion of the application of *Hooks v. Hitt*, 539 So. 2d 157 (Ala. 1988), cited in the Defendant’s Motion. The motion will be taken under submission on that day for determination without oral argument.

DONE this 30th day of August, 2011.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE