

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

CENTRAL ALABAMA FAIR )  
HOUSING CENTER, et al., )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
JULIE MAGEE, in her )  
official capacity as )  
Alabama Revenue )  
Commissioner, and )  
JIMMY STUBBS, in his )  
official capacity as )  
Elmore County Probate )  
Judge, )  
 )  
Defendants. )

CIVIL ACTION NO.  
2:11cv982-MHT  
(WO)

ORDER

Although defendant Julie Magee filed a motion to dismiss on December 9, 2011, she did not raise the issue of mootness until December 29, with the filing of an evidentiary submission of "Revised Instructions Concerning Act No. 2011-535, Beason-Hammon Alabama Taxpayer and Citizen Protection Act." While, with a brief filed on December 30, the plaintiffs anticipated

that Magee might be contending that this case is moot, Magee did not formally argue the issue until she filed a brief on January 9, 2012. The court is also concerned that, even if this lawsuit is not moot, the preliminary injunction may no longer be necessary.

Accordingly, it is ORDERED as follows:

(1) Defendant Julie Magee's motion to dismiss (Doc. No. 85) is reset for submission, without oral argument, on January 31, 2012.

(2) By January 17, 2012, the defendants are to file a brief on whether the court's preliminary injunction is still necessary.

(3) By January 24, 2012, the plaintiffs are to file a brief on whether this case is moot and, if not, whether the preliminary injunction is still necessary.

(4) By January 31, 2012, the defendants may file a reply.

In their briefs, the parties should also address whether the court may dissolve a preliminary injunction while the injunction is on appeal.

DONE, this the 10th day of January, 2012.

          /s/ Myron H. Thompson            
UNITED STATES DISTRICT JUDGE