

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

RONNIE RICHARDSON PARKER,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:12-cv-650-MEF
)	(WO – Do Not Publish)
CHILTON COUNTY BOARD OF)	
EDUCATION, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

This cause is before the Court on Defendants’ multiple pending motions to dismiss. Plaintiff filed this action on July 31, 2012. On August 24, 2012, Chilton County Board of Education filed a Motion to Dismiss or Motion for More Definite Statement (Doc. #8), and on August 27, 2012, Defendant Alan Thompson filed a Motion to Dismiss (Doc. #9). On October 16, 2012, Plaintiff simultaneously filed a Response in Opposition to Defendants’ Motions to Dismiss (Doc. #14) and an Amended Complaint (Doc. #13).

Plaintiff’s action was reassigned to this Court on October 19, 2012. On October 26, 2012, Defendants filed a Motion to Dismiss Plaintiff’s Amended Complaint (Doc. #18). Although the Court typically does not enter a scheduling order until resolving pending motions to dismiss, a scheduling order was entered in this case on November 20, 2012. (Doc. #25.) Shortly after the scheduling order was entered, Plaintiff filed a Motion to Amend or Correct the Complaint (Doc. #20), which the Court granted. (Order, Doc. #27). Defendants then filed a Renewed Motion to Dismiss Plaintiff’s Second Amended Complaint, which is now under submission. (Doc. #29.) Because Plaintiff’s original Complaint and the

Amended Complaint have been superceded by Plaintiff's Second Amended Complaint, it is hereby ORDERED that Defendant Chilton County Board of Education's previously filed Motion to Dismiss (Doc. #8) and Defendant Alan Thompson's previously filed Motion to Dismiss (Doc. #9) are DENIED AS MOOT. For the same reason, it is further ORDERED that Defendants' Motion to Dismiss Amended Complaint (Doc. #18) is DENIED AS MOOT.

The Court recognizes that Defendants have incorporated the arguments made in their previously filed Motions to Dismiss into their Renewed Motion to Dismiss Plaintiff's Second Amended Complaint. (Doc. #29, at 1.) However, to clarify the record in this case and allow for all arguments for dismissal to be set forth clearly, the Court sees it fit to deny Defendants' Renewed Motion to Dismiss Plaintiff's Second Amended Complaint with leave to refile. *See* M.D. Ala. LR 15.1 ("Any amendment to a pleading, document or other papers, must, except by leave of Court, reproduce the entire pleading, document or other paper as amended, and may not incorporate any prior pleading, document or other papers by reference."). Accordingly, it is hereby ORDERED that Defendants' Renewed Motion to Dismiss Plaintiff's Second Amended Complaint (Doc. #29) is DENIED with leave to refile. Defendants shall file a renewed Motion to Dismiss Plaintiff's Second Amended Complaint, which sets forth their arguments in full, on or before **April 19, 2013**.

DONE this the 29th day of March, 2013.

/s/ Mark E. Fuller
UNITED STATES DISTRICT JUDGE