

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

CARLOS CAREY, #245045,)
)
Plaintiff,)
)
v.)
)
WARDEN RENE MASON, et al.,)
)
Defendants.)

CIVIL ACTION NO.
2:13cv705-MHT
(WO)

OPINION AND ORDER

Before the court is plaintiff's motion to dismiss certain grounds. He requests dismissal of challenges made regarding five disciplinaries he received on August 23, 2013, for an incident which occurred at the Bullock Correctional Facility on August 22, 2003. Plaintiff states he wishes to pursue his due-process challenge regarding the disciplinaries in question in state court and that he is not abandoning the facts of his due-process claim. Upon review of the motion, the court concludes that the motion should be granted.

Accordingly, it is ORDERED that:

(1) The motion to dismiss plaintiff's due-process claim regarding the August 23, 2013, disciplinaries (doc. no. 78) is granted;

(2) Plaintiff's due-process claim is dismissed without prejudice; and

(3) This case is referred back to the magistrate judge for additional proceedings.

DONE, this the 17th day of November, 2014.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE