

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

ROBERT BINION and COREY )  
LEA, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
THE UNITED STATES )  
DEPARTMENT OF AGRICULTURE )  
and SONNY PERDUE, )  
Secretary of Agriculture, )  
 )  
Defendants. )

CIVIL ACTION NO.  
2:18cv544-MHT  
(WO)

OPINION AND ORDER

This case is before the court on the recommendation of the United States Magistrate Judge that defendants' motion to dismiss be construed as a motion to dismiss or in the alternative for a more definite statement; that the motion for a more definite statement be granted; and that the motion to dismiss be denied. The magistrate judge also recommends granting plaintiffs' motions for leave to amend and denying certain other motions filed by plaintiffs. There are no objections

to the recommendation. Upon an independent and de novo review of the record, it is ORDERED as follows:

(1) The recommendation of the United States Magistrate Judge (doc. no. 46) is adopted.

(2) The motion to dismiss (doc. no. 37) is construed as a motion to dismiss or in the alternative for a more definite statement.

(3) The motion for a more definite statement (doc. no. 37) is granted.

(4) The motion to dismiss (doc. no. 37) is denied.

(5) The motion for preliminary injunction (doc. no. 23), motions to set a hearing (doc. nos. 24 & 34), and motion to defer the motion to dismiss (doc. no. 42) are denied as moot, with leave to refile.

(6) The motions for leave to amend (doc. nos. 41 & 44) are granted.

It is further ORDERED that this case is referred back to the magistrate judge for further proceedings.

DONE, this the 24th day of September, 2019.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE