

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

YOLANDA MITCHELL,)
)
 Plaintiff,)
)
 v.)
)
 ELMORE COUNTY DEPARTMENT)
 OF HUMAN RESOURCES,)
)
 Defendant.)

CIVIL ACTION NO.
2:22cv22-MHT
(WO)

OPINION

Plaintiff filed this lawsuit claiming that her civil rights were violated when the defendant child-welfare agency wrongfully took her children from her. She seeks the return of her children and damages for emotional distress. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that defendant's motion to dismiss be granted on the basis of sovereign immunity and the statute of limitations, and that plaintiff's case be dismissed with prejudice. There are no objections to the recommendation. However, in response to the

recommendation, plaintiff filed a motion to dismiss her claims without prejudice. In the motion, she submits that the defendant violated her rights again in 2021 when they placed her children in foster care, and asks that the court dismiss the current case without prejudice so that she can file a new case for that violation. After an independent and de novo review of the record, the court concludes that the magistrate judge's recommendation should be adopted, and that plaintiff's motion for dismissal without prejudice (Doc. 23) should be granted only to the extent that the court will not dismiss with prejudice any potential claims plaintiff may wish to raise against individual defendants for acts that occurred in 2021.

An appropriate judgment will be entered.

DONE, this the 28th day of December, 2022.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE