IN THE DISTRICT COURT OF THE UNITED STATES FOR THE

MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION

CALVIN WATTS,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION NO.
v.	)	3:13cv742-MHT
	)	(WO)
JOSHUA COMBS,	)	
	)	
Defendant.	)	

ORDER

Based on the representations made on the record at a pretrial hearing on November 23, 2015, it is ORDERED as follows:

(1) Defendant Joshua Combs is to file, by noon on December 1, 2015, a brief addressing whether the purported release-dismissal waiver at issue in this case violates the public-interest prong of Town of Newton v. Rumery, 480 U.S. 386 (1987), in that it appears to be a broad, blanket waiver and not the result of an individualized prosecutorial determination as required by Cain v. Darby Borough, 7 F.3d 377 (3d Cir. 1993) (en banc), certiorari denied, 510 U.S. 1195

(1994). See also Livingstone v. N. Belle Vernon Borough, 91 F.3d 515 (3d Cir. 1996); Cuba-Diaz v. Town of Windham, 274 F. Supp. 2d 221 (D. Conn. 2003) (Arterton, J.); Oliver v. City of Berkley, 261 F. Supp. 2d 870 (E.D. Mich. 2003) (Steeh, J.); Kinney v. City of Cleveland, 144 F. Supp. 2d 908 (N.D. Ohio 2001) (Aldrich, J.).

(2) Plaintiff Calvin Watts is to file a response by noon on December 4, 2015.

DONE, this the 23rd day of November, 2015.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE