

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

JAMES H. SHORTZ,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	3:14cv612-MHT
)	(WO)
RAY SMITH AND MICHELE)	
KILDAY,)	
)	
Defendants.)	

ORDER

After an independent and de novo review of the record, it is the ORDER, JUDGMENT, and DECREE of that the United States Magistrate Judge's recommendation (doc. no. 46) is adopted as follows:

(1) Defendants Ray Smith and Michele Kilday's motion to dismiss (doc. no. 38) is granted to the extent they have been sued in their official capacities.

(2) Defendants Smith and Kilday's motion to dismiss (doc. no. 38) is denied to the extent they have been sued in their individual capacities for a First Amendment violation.

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

DONE, this the 16th day of March, 2015.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE