

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

KD, a minor child, by and through her)	
parents and guardians, JD and SD,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:12-cv-02734-HGD
)	
MICHAEL WAYNE WOOTEN, et al.,)	
)	
Defendants.)	

ORDER

On January 2, 2013, the Magistrate Judge’s Report and Recommendation was entered and the parties were allowed therein fourteen (14) days in which to file objections to the recommendations made by the Magistrate Judge. No objections have been filed by either Plaintiff or Defendants.

After careful consideration of the record in this case and the Magistrate Judge’s Report and Recommendation, the court hereby **ADOPTS** the Report of the Magistrate Judge. The court further **ACCEPTS** the Recommendations of the Magistrate Judge, and it is, therefore,

ORDERED, ADJUDGED and DECREED that the Motion for Partial Judgment on the Pleadings filed by Defendants Birmingham Board of Education and Aaron Moyana (Doc. #23) is due to be and hereby is **GRANTED** as to:

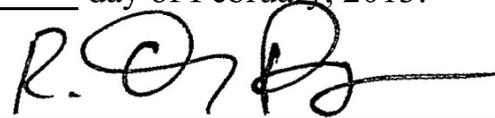
- (1) all state law claims against the Board for negligent, wanton and/or reckless hiring, training, supervision and retention, outrage and defamation, based on immunity;

- (2) all claims for punitive damages pursuant to 42 U.S.C. § 1983 against the Board; and
- (3) all official capacity claims against Moyana, including all claims for punitive damages against Moyana in his official capacity.

The claims listed above hereby are **DISMISSED WITH PREJUDICE**.

This dismissal shall not affect any other right, claim or cause of action which Plaintiff has, or may have, against any of the remaining Defendants.

DONE and **ORDERED** this 5th day of February, 2013.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE