

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

|                                    |   |                           |
|------------------------------------|---|---------------------------|
| A. JASON MOODY,                    | ) |                           |
|                                    | ) |                           |
| Plaintiff,                         | ) |                           |
|                                    | ) |                           |
| v.                                 | ) | Case No. 2:12-cv-4056-TMP |
|                                    | ) |                           |
| THE ALABAMA DEPARTMENT             | ) |                           |
| OF TRANSPORTATION, <i>et al.</i> , | ) |                           |
|                                    | ) |                           |
| Defendants.                        | ) |                           |

**ORDER REGARDING MOTION TO DISMISS**

On July 15, 2014, the undersigned magistrate judge filed his report and recommendation (doc. 66), recommending that the motion to dismiss (doc. 60) filed by defendant Gary Smith be granted. No objections have been filed, and the time for filing such objections has expired. The case has been assigned to the undersigned district judge, randomly selected for the purpose of reviewing the report and recommendation.

Following careful *de novo* consideration of the motion and the response thereto, the court finds that the Report and Recommendation is due to be and hereby is **ACCEPTED** and **ADOPTED**. The motion to dismiss is due to be and hereby is **GRANTED**, and the sole claim against defendant Gary Smith is **DISMISSED WITH PREJUDICE**.

The case remains assigned to the magistrate judge for supervision of discovery and subsequent proceedings.

**DONE** the 10th day of November, 2014.

*Sharon Lovelace Blackburn*

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SHARON LOVELACE BLACKBURN  
UNITED STATES DISTRICT JUDGE