

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHWESTERN DIVISION

EVELYN GROCE,	)	
	)	
Plaintiff	)	
	)	
vs.	)	Case No. 3:13-cv-01769-HGD
	)	
FRANKLIN COUNTY COMMISSION,	)	
et al.,	)	
	)	
Defendants	)	

**PARTIAL DISMISSAL ORDER**

On June 20, 2014, 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 to the magistrate judge’s report and recommendation have been filed by 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.

It is, therefore, **ORDERED, ADJUDGED** and **DECREED** that:

(1) defendants' motion to dismiss plaintiff's Title VII claim for wrongful termination based on her race is due to be and hereby is **DENIED**;

(2) defendants' motion to dismiss plaintiff's Title VII claim for failure to promote based on her race is due to be and hereby is **GRANTED**, and such claim is **DISMISSED WITH PREJUDICE**;

(3) defendants' motion to dismiss plaintiff's Title VII claim for racially hostile environment and Title VII claim against defendant Gene Ellison in his individual capacity is **MOOT**;

(4) defendants' motion to dismiss plaintiff's claims pursuant to 42 U.S.C. § 1981 is due to be and hereby is **GRANTED**, and such claims are **DISMISSED WITH PREJUDICE**;

(5) defendants' motion to dismiss plaintiff's 42 U.S.C. § 1983 claims for disparate treatment is due to be and hereby is **DENIED**;

(6) defendants' motion to dismiss plaintiff's 42 U.S.C. § 1983 claim for racially hostile environment is **MOOT**;

(7) defendants' motion to dismiss plaintiff's 42 U.S.C. § 1983 claims against defendant Gene Ellison based on qualified immunity is due to be and hereby is **DENIED WITHOUT PREJUDICE** to reasserting a qualified immunity claim on summary judgment;

(8) defendants' motion to dismiss plaintiff's Age Discrimination in Employment Act claim against the Franklin County Commission and Franklin County Revenue Commission is due to be and hereby is **DENIED**; and

(9) defendants' motion to dismiss plaintiff's Age Discrimination in Employment Act claim against defendant Gene Ellison in his individual capacity is **MOOT**.

DONE this 16th day of July, 2014.

*Sharon Lovelace Blackburn*

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SHARON LOVELACE BLACKBURN  
UNITED STATES DISTRICT JUDGE