

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

ANTONIO HEAD,)	
)	
Plaintiff,)	
)	
v.)	Case No. 7:14-cv-01788-HGD
)	
CARY BAISDEN, et al.,)	
)	
Defendants.)	

MEMORANDUM OPINION AND PARTIAL DISMISSAL ORDER

On August 24, 2015, 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) the Motion to Dismiss of the City of Tuscaloosa is **GRANTED** as to Counts One, Two and Four and the claims asserted in these counts are **DISMISSED WITHOUT PREJUDICE** to Plaintiff's right to file an amended complaint correcting the deficiencies noted in the Report and Recommendation;

(2) the Motion to Dismiss of the City of Tuscaloosa is **GRANTED** as to the claims asserted in Counts Three, Five and Six and such claims are **DISMISSED WITH PREJUDICE**;

(3) the Motion to Dismiss of the City of Tuscaloosa is **GRANTED** as to the claim asserted in Count Seven, to the extent that such a claim is construed as being made pursuant to 42 U.S.C. § 1983, and such claim is **DISMISSED WITHOUT PREJUDICE** to Plaintiff's right to file an amended complaint correcting the deficiencies noted in the Report and Recommendation;

(4) the Motion to Dismiss of the City of Tuscaloosa is **GRANTED** as to the claim asserted in Count Seven, to the extent that such a claim is construed as being made pursuant to state law, and such claim is **DISMISSED WITH PREJUDICE**;

(5) the Motion to Dismiss of the City of Tuscaloosa is **GRANTED** as to all claims for punitive damages and such claims are **DISMISSED WITH PREJUDICE**;

(6) the Motion to Dismiss of Cary Baisden is **GRANTED** as to any claims against him in his official capacity and such claims are **DISMISSED WITH PREJUDICE**;

(7) the Motion to Dismiss of Cary Baisden is **DENIED** as to the claims asserted in Counts One, Two, Three, Four, Five and Six;

(8) the Motion to Dismiss of Stephen D. Anderson is **GRANTED** as to any claims against him in his official capacity and such claims are **DISMISSED WITH PREJUDICE**;

(9) the Motion to Dismiss of Stephen D. Anderson is **GRANTED** as to the claims asserted in Counts One and Six and such claims are **DISMISSED WITH PREJUDICE**;

(10) the Motion to Dismiss of Stephen D. Anderson is **GRANTED** as to the claim asserted in Count Seven, to the extent that such a claim is construed as being made pursuant to 42 U.S.C. § 1983, and such claim is **DISMISSED WITHOUT PREJUDICE** to Plaintiff's right to file an amended complaint correcting the deficiencies noted in the Report and Recommendation;

(11) the Motion to Dismiss of Stephen D. Anderson is **GRANTED** as to the claim asserted in Count Seven, to the extent that such a claim is construed as being

made pursuant to state law, and such claim is **DISMISSED WITH PREJUDICE**;
and

(12) the Motion to Dismiss of Stephen D. Anderson is **GRANTED** as to the claims asserted in Counts Two, Three, Four and Five and such claims are **DISMISSED WITHOUT PREJUDICE** to Plaintiff's right to file an amended complaint correcting the deficiencies noted in the Report and Recommendation.

Plaintiff **SHALL** have **twenty-one (21) days** from the date of entry of this Memorandum Opinion and Partial Dismissal Order to file an amended complaint.

DONE and **ORDERED** this 9th day of March, 2016.

A handwritten signature in black ink, appearing to read 'R. David Proctor', written over a horizontal line.

R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE