Mahan v. Mobile Housing Board Doc. 19

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

ELAINE MAHAN,	)	
Plaintiff,	)	
	)	
v.	)	**CIVIL ACTION 09-00535-KD-B**
	)	
MOBILE HOUSING BOARD,	)	
Defendant.	)	

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a de novo determination of those portions of the Report and Recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. §636(b)(1)(B) and dated December 17, 2009, is **ADOPTED** as the opinion of this Court as to all claims *except* as to Plaintiff's due process claim that "I asked for a hearing and the Housing Board refused to grant me a hearing." Accordingly, it is **ORDERED** that Defendant's motion to dismiss (Doc. 7) is **GRANTED** in part and **DENIED** in part. Additionally, it is **ORDERED** that Plaintiff is granted leave to amend her Complaint on or before **March 4, 2010,** to state facts in support of her due process claim only; indeed, the Court will not consider additional facts or arguments as to the other claims which have been dismissed. Further, Plaintiff is **CAUTIONED** that the failure to allege specific facts in support of her due process claim will result in dismissal of said claim upon motion by Defendant.

DONE and **ORDERED** this the **11th** day of **February 2010.**

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE

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