

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

<p><b>RONALD CLARKE,</b></p> <p style="padding-left: 40px;"><b>Plaintiff,</b></p> <p><b>v.</b></p> <p><b>TOLBERT ENTERPRISES, LLC,</b> <b><u>et al.</u>,</b></p> <p style="padding-left: 40px;"><b>Defendants.</b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>CIVIL ACTION NO. 11-0643-CG-B</b></p>
--	---	---

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated July 18, 2012 (Doc. 32), is **ADOPTED** as the opinion of this Court.

Plaintiff’s motion for leave to amend is hereby **GRANTED**, and defendants’ motions to dismiss are hereby **DENIED as moot**.

**On or before August 9, 2012**, the plaintiff is **ORDERED** to file an amended complaint that cures the deficiencies raised by the defendants in their motions to dismiss. Defendants’ answers to the amended complaint shall be filed **no later than August 23, 2012**.

**DONE and ORDERED** this 2nd day of August, 2012.

/s/ Callie V. S. Granade  
 UNITED STATES DISTRICT JUDGE