

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

<b>WARRICK MAYE,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION 11-0666-WS-M</b>
	)	
<b>CONECUH COUNTY BOARD OF EDUCATION,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER**

This matter is before the Court on the defendant’s partial motion to dismiss. (Doc. 4). The complaint alleges that the defendant violated Title VII and Section 1983 by failing to promote the plaintiff to any of three administrative positions due to his gender.

The defendant’s motion does not address the plaintiff’s claims but only his prayer for relief. The defendant first argues that the plaintiff seeks an impermissibly vague, “obey-the-law” injunction. (Doc. 5 at 2). Assuming without deciding that the complaint seeks such an injunction, it also seeks an injunction enjoining the defendant “from failing and refusing to employ plaintiff in an administrative position,” (Doc. 1 at 3), relief that does not appear subject to the infirmity of which the defendant complains; certainly the defendant’s skeletal brief does not demonstrate the contrary.

The defendant next notes that Alabama law forbids injunctive relief when adequate legal remedies exist. (Doc. 5 at 3-4). Maybe so, but the plaintiff presents only federal claims, and his entitlement to injunctive relief is governed by federal law, not state law.<sup>1</sup>

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<sup>1</sup> Contrary to the defendant’s brief, (Doc. 5 at 3), the plaintiff has filed no motion for preliminary injunction.

Finally, the defendant objects to any award of attorney's fees because the plaintiff represents himself. (Doc. 5 at 4). Because this litigation is far from over, and because the Court cannot predict whether the plaintiff will hereafter be assisted by counsel, a prohibition of such relief would be premature.

For the reasons set forth above, the defendant's partial motion to dismiss is **denied**.

DONE and ORDERED this 17<sup>th</sup> day of January, 2012.

s/ WILLIAM H. STEELE  
CHIEF UNITED STATES DISTRICT JUDGE