

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

FRAMON WEAVER, SR., as )
Administrator of the Estate of )
FRAMON WEAVER, JR., Deceased, )
)
Plaintiff, )
)
vs. ) CIVIL ACTION NO. 12-0750-CG-B
)
TOWN OF MOUNT VERNON, )
Alabama, et al., )
)
Defendants. )

ORDER DISMISSING FICTITIOUS PARTIES

The fictitious parties set out in plaintiff's complaint are hereby STRICKEN because fictitious party pleading is not generally recognized under the Federal Rules of Civil Procedure. See, e.g., Fed.R.Civ.P. 10(a); 28 U.S.C. § 1441(a); Rommell v. Automobile Racing Club of America, Inc., 964 F.2d 1090, 1098 n. 14 (11th Cir. 1992); Weeks v. Benton, 649 F.Supp. 1297, 1298 (S.D.Ala. 1986).<sup>1</sup>

DONE and ORDERED this 7th day of January, 2012.

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

<sup>1</sup> Rule 15 of the Federal Rules of Civil Procedure governs amendment of the pleadings should the plaintiff discover additional parties against whom he wishes to assert his claims. Plaintiff is further advised that the court allows a reasonable period of time to add parties and amend the pleadings once the discovery process begins.