

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

SOUTHBARK, INC., *et al.*,
Plaintiffs,

vs.

MOBILE COUNTY COMMISSION, *et al.*,
Defendants.

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CIVIL ACTION NO. 13-00183-KD-M

ORDER

After due and proper consideration of the issues raised, and there having been no objections filed, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated September 11, 2013, is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that Defendants’ Motion to Dismiss (Doc. 30) is **GRANTED in part** and **DENIED in part** as follows: **GRANTED** as to Plaintiff Dusty Feller’s asserted claim of standing, Count Six (Section 1983 defamation), Count Seven (Section 1983 defamation) and Count Fourteen (negligence) such that those claims are **DISMISSED** and Plaintiff Dusty Feller is **DISMISSED** as a party to this action; and **DENIED** as to Count One (municipal liability under Section 1983), Count Two (free speech), Count Ten (free speech provision of State constitution) and Count Thirteen (state common law defamation).

DONE and ORDERED this the 27th day of **September 2013**.

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