

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

THAI MEDITATION ASSOCIATION
OF ALABAMA, INC., *et al.*,

Plaintiffs,

vs.

CITY OF MOBILE, ALABAMA,

Defendant.

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CIVIL ACT. NO. 1:16-cv-395-TFM-MU

FINAL JUDGMENT

In accordance with the Memorandum Opinion and Order (Doc. 169) that was entered on May 24, 2019, it is hereby **ORDERED, ADJUDGED, and DECREED** that Judgment is entered in favor of the Defendant and against the Plaintiffs. Plaintiffs shall recover nothing by this suit.

To the extent appropriate under Fed. R. Civ. P. 54(d), 28 U.S.C. § 1920, and 42 U.S.C. § 1988, Defendants shall be awarded costs reasonably incurred in connection with this case.¹ Any request for costs shall also include the appropriate evidence in support of any requests. The motion shall be due on or before **June 17, 2019**, with any response due on or before **June 27, 2019**.

The Clerk of Court is **DIRECTED** to enter this document on the civil docket as a final judgment pursuant to Fed. R. Civ. P. 58. This case is hereby closed.

¹ “[A] district court may in its discretion award attorneys’ fees to a prevailing defendant in a . . . [§] 1983 action upon a finding that the plaintiff’s lawsuit was ‘frivolous, unreasonable, or without foundation.’” *Sullivan v. Sch. Bd. of Pinellas Cty.*, 773 F.2d 1182, 1188 (11th Cir. 1985) (quoting *Hughes v. Rowe*, 449 U.S. 5, 14, 101 S. Ct. 173, 66 L. Ed. 2d 163 (1980)); *see also S. Atl. Cos., LLC v. Sch. Bd. of Orange Cty.*, 699 F. App’x 842 (11th Cir. 2017) (quoting *Sullivan*, 773 F.2d at 1188). The Court declines to make a *sua sponte* finding of “frivolity” as Plaintiffs’ case survived summary judgment and resulted in a multi-day bench trial.

DONE and **ORDERED** this the 28th day of May 2019.

/s/ Terry F. Moorer
TERRY F. MOORER
UNITED STATES DISTRICT JUDGE