

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

TOMMI R. BATLEY)	
)	
Plaintiff,)	
)	
vs.)	CA 17-0112-CG-MU
)	
BISHOP STATE COMMUNITY)	
COLLEGE, <u>et al.</u> ,)	
)	
Defendants.)	

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) dated August 14, 2017, is **ADOPTED** as the opinion of this Court.

Accordingly, Defendants’ motion to dismiss (Doc. 8) is hereby **GRANTED**, and the claims raised in Plaintiff’s complaint filed on March 10, 2017 (Doc. 1) are **DISMISSED**.

It is further **ORDERED** that Plaintiff’s motion for leave to amend complaint (Doc. 24) is **GRANTED in part and DENIED in part**. Plaintiff’s motion to amend the Title VII claims set forth in her complaint (Doc. 24) is **DENIED** as futile because her proposed revised amendment does not cure any of the deficiencies contained in her original complaint and, as amended, those claims are still properly **DISMISSED**. The motion is otherwise granted in that Plaintiff shall be allowed to amend her complaint to add four individual defendants in their individual and official capacities and assert claims in accordance with 42 U.S.C. §§ 1981 and 1983,

as well as the Fourteenth Amendment, against all defendants. Finally, in that amended complaint, Plaintiff may assert a “class schedule” retaliation claim, in accordance with Title VII, if she so desires. Plaintiff’s amended complaint shall be filed **no later than September 26, 2017**.

DONE and ORDERED this 12th day of August, 2017.

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