

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

<b>TAMELA ALLEN,</b>	)	
<b>Plaintiff,</b>	)	
<b>vs.</b>	)	<b>Civil Action No. 10-00474-KD-N</b>
<b>THE CITY OF MARION, ALABAMA, and DONALD GANTT,</b>	)	
<b>Defendants.</b>	)	

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that the City of Marion's motion to dismiss is **GRANTED, in part, and DENIED, in part.**

Accordingly, Count Three for assault and battery, Count Four for battery, Count Six for negligent training, Count Seven for intentional infliction of emotional distress and Court Eight for outrage against the City of Marion are dismissed. The motion to dismiss is denied as to Count One for false arrest, Count Two for unreasonable search, and Count Five for negligent supervision against the City of Marion.

DONE this 21st day of December, 2010.

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