

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

CLEAVESTER CHARLESTON,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 10-00704-CG-B
)	
HALE COUNTY COMMISSION,)	
)	
Defendant.)	

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issue raised, and there having been no objections filed, the Amended 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 Defendant’s Motion to Dismiss (Doc. 10) is **GRANTED in part**, and **DENIED in part** as follows:

1) Defendant’s motion to dismiss plaintiff’s complaint due to laches is **DENIED**;

2) Defendant’s motion to dismiss plaintiff’s retaliation claim is **DENIED** as **MOOT**; and

3) Defendant’s motion to dismiss plaintiff’s claim for punitive damages is **GRANTED** with prejudice.

DONE and ORDERED this 9th day of May, 2011.

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