

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

BILLY CLARY,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION 16-0091-CG-N
)	
CITY OF MOUNDVILLE,)	
ALABAMA, <u>et al.</u>,)	
)	
Defendants.)	

ORDER

After due and proper consideration of the relevant pleadings and 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) is adopted as the opinion of this Court.

It is **ORDERED** that Defendants’ Motions to Dismiss Counts Five and Seven of Plaintiff’s Second Amended Complaint is **GRANTED** pursuant to Rule 12(b)(6) for failure to state a claim against Defendants, City of Moundville and Chief Ken Robertson. Accordingly, the Plaintiff’s claims against Defendants, City of Moundville and Chief Ken Robertson, are **DISMISSED**. This action remains pending against J.L. Donaldson and Danielle Pence.

DONE and ORDERED this 18th day of October, 2016.

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

