

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

**CHARLES A. JAY, et al.,**  
**Plaintiffs,**

v.

**AUBURN UNIVERSITY, et al.,**  
**Defendants.**

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**CIVIL ACTION 17-00369-KD-C**

**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) and dated May 23, 2018 is **ADOPTED** as the opinion of this Court. Accordingly, it is **ORDERED** that the Defendants' motion to dismiss (Doc. 50) is **GRANTED IN PART** and **DENIED in part** as follows: 1) all claims in Plaintiffs' Second Amended Complaint (Doc. 42) are **DISMISSED** with prejudice **BUT FOR** the one (1) potential claim against Auburn University under the Rehabilitation Act; and 2) Plaintiff is **GRANTED LEAVE** to file a Third Amended Complaint as instructed in the Report and Recommendation.

**DONE** and **ORDERED** this the 19<sup>th</sup> day of **June 2018**.

/s/ Kristi K. DuBose

**KRISTI K. DuBOSE**

**CHIEF UNITED STATES DISTRICT JUDGE**