

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SAMMIE L. WALTHOUR and
REGINALD A. EARL,
Plaintiffs,

v.

Case No. 8:17-cv-38-T-24 TGW

HILLSBOROUGH COUNTY,
Defendant.

ORDER

This cause comes before the Court on Plaintiffs' Motion for Reconsideration. (Doc. No. 18). Plaintiffs again request the Court to vacate its dismissal of this case. While the Court's dismissal without prejudice of the original complaint stands, the Court will reopen the case and grant Plaintiffs leave to amend to assert their claims in compliance with Federal Rule of Civil Procedure 8. The Court is not persuaded that additional discovery of information from the EEOC— regarding its opinion on whether the releases Plaintiffs signed are valid—is necessary to file a sufficient complaint. The amended complaint must provide a factual basis for the alleged discrimination and retaliation, as well as factual basis for their § 1983 claim.

To be clear, this Court is not concluding that by allowing Plaintiffs to amend their complaint, the amended complaint will relate back to the original, deficient complaint. Once Defendant is served with the amended complaint, it will undoubtedly argue that the amended complaint does not relate-back to the original complaint, and as such, Plaintiffs should be prepared to address this issue once Defendant raises it.

Accordingly, it is ORDERED AND ADJUDGED that:

- (1) Plaintiffs' Motion for Reconsideration (Doc. No. 18) is **GRANTED TO THE**

EXTENT that the Court directs the Clerk to return this case to active status and directs Plaintiffs to file an amended complaint by February 21, 2017.

- (2) If Plaintiffs fail to file an amended complaint that satisfies Rule 8 by providing a sufficient factual basis for their claims, the Court will dismiss the amended complaint.

DONE AND ORDERED at Tampa, Florida, this 7th day of February, 2017.


SUSAN C. BUCKLEW
United States District Judge

Copies to:
Counsel of Record