

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

ALACHUA RETAIL 51, LLC.,

Plaintiff,

v.

CASE NO.: 1:11cv187-SPM/GRJ

THE CITY OF ALACHUA, a Florida
municipal corporation,

Defendant.

_____ /

ORDER DENYING MOTION TO DISMISS AS MOOT

This cause comes before the Court upon Defendant's motion to dismiss (doc. 14), Plaintiff's first amended complaint (doc. 18), and Plaintiff's response in opposition (doc. 19). Upon consideration, it is

ORDERED AND ADJUDGED:

1. Defendant's motion to dismiss (doc. 14) is denied as moot in light of the first amended complaint.
2. The denial is without prejudice to Defendant's opportunity to raise challenges to the first amended complaint.

DONE AND ORDERED this 8th day of November, 2011.

s/ Stephan P. Mickle

Stephan P. Mickle
Senior United States District Judge