

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 12-24161-CIV-O'SULLIVAN

[CONSENT]

YSEULT CHARLES,

Plaintiff,

v.

SCHOOL BOARD OF MIAMI-DADE
COUNTY, FLORIDA,

Defendant.

/

ORDER

THIS MATTER is before the Court on the Defendant's Motion to Dismiss Complaint (DE# 4, 12/19/12). Having reviewed the motion, response and reply, and having heard from counsel during the status conference, it is

ORDERED AND ADJUDGED that the Defendant's Motion to Dismiss Complaint (DE# 4, 12/19/12) is GRANTED. The allegations in the Complaint fail to state a cause of action for racial discrimination against a municipality under Section 1983. See, Monell v. Dep't of Soc. Servs. of the City of New York, 436 U.S. 658 (1978); Brown v. City of Fort Lauderdale, 923 F.2d 1474, 1477 (11th Cir. 1991) (To prevail on a civil rights claim against a municipality, the plaintiff must allege a citywide policy or custom of discrimination.); Andrade v. Miami Dade County, Case No. 09-23220-JAL, 2011 WL 4345665 (S.D. Fla. Sept. 16, 2011)(dismissing the § 1983 action against a municipality due to deficient allegations). It is further

ORDERED AND ADJUDGED that if the plaintiff chooses to file an amended complaint, the amended complaint shall be filed by **March 26, 2013**.

DONE AND ORDERED in Chambers at Miami, Florida this **1st** day of March, 2013.



JOHN J. O'SULLIVAN
UNITED STATES MAGISTRATE JUDGE

Copies to: All counsel of record