

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**JASON D ALSTON**

**PLAINTIFF**

**V.**

**CAUSE NO. 4:16CV00236-DMB-JMV**

**MISSISSIPPI DEPARTMENT OF TRANSPORTATION**

**DEFENDANT**

**ORDER**

On September 14, 2017, Plaintiff filed a Motion to Strike Defendant's Sixteenth (sic) Bogus Affirmative Defenses to Plaintiff's Third Amended Complaint [73], arguing, among other things, that the sixteen affirmative defenses asserted by Defendant are "legally insufficient" and are nothing more than "bare conclusory statements." Plaintiff further asserts Defendant's affirmative defenses are legally insufficient because "they are not actual affirmative defenses and the burden of proving an affirmative defenses (sic) rests with the party asserting it." For the reasons stated in Defendant's response [74], Plaintiff's motion is denied. Furthermore, whether Defendant's affirmative defenses have any merit is not a matter to be determined at this stage of the litigation.

SO ORDERED this 3rd day of October, 2017.

/s/ Jane M. Virden  
U. S. MAGISTRATE JUDGE