

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

TANYA DENISE STEWART

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:07cv1270WJG-JMR

JACKSON COUNTY, MISSISSIPPI; *ET AL.*

DEFENDANTS

ORDER

THIS MATTER is before the Court on MOTION [30] of the Defendants Mississippi Department of Human Services [MDHS], Division of Family and Children Services for the Mississippi Department of Human Services [FCS], Deanna Chase and Lana M. Hoda (Collectively State Defendants) to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(1) and (6). Pursuant to the Memorandum Opinion entered in this cause, this date, incorporated herein by reference, it is therefore,

ORDERED AND ADJUDGED that the State Defendants' motion to dismiss [30] be, and is hereby, granted in part and denied in part. It is further,

ORDERED AND ADJUDGED that all claims advanced under section 1983 against the MDHS and FCS are dismissed with prejudice. It is further,

ORDERED AND ADJUDGED that all claims advanced under section 1983 against Chase and Hoda in their official capacities are dismissed with prejudice. It is further,

ORDERED AND ADJUDGED that the motion to dismiss all claims advanced under section 1983 against Chase and Hoda in their individual capacities be, and is, hereby, denied. Defendants may reurge this issue in a motion for summary judgment. It is further,

ORDERED AND ADJUDGED that all claims advanced under state law against the MDHS and FCS be, and are hereby, dismissed without prejudice. It is further,

ORDERED AND ADJUDGED that each party bear their respective costs associated with this motion.

SO ORDERED AND ADJUDGED, this the 24<sup>th</sup> day of October, 2008.

*Walter J. Cox III*  
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UNITED STATES SENIOR DISTRICT JUDGE