

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

TERRY HARDAGE,

Plaintiff,

vs.

THE STATE OF OKLAHOMA, et al.,

Defendants.

No. CIV-11-295-JHP

ORDER

This matter comes before the Court on Defendants' Motion to Dismiss Plaintiff's Second Amended Complaint (Dkt.# 104). In order to survive a motion to dismiss for failure to state a claim upon which relief can be granted, factual allegations must be enough to raise a right to relief above the speculative level, on the assumption that all the allegations in the complaint are true even if doubtful in fact. *Bell Atlantic Corp. V. Twombly*, 127 S.Ct. 1955, 1964-65 (2007). Yet the Court need not accept as true legal conclusions from the complaint or "'naked assertion[s]' devoid of 'further factual enhancement.'" *Ashcroft v. Iqbal*, ____ U.S. ____, 129 S.Ct. 1937 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. at 557) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. at 557). The Court, after careful review of the pleadings, and based upon the reasons as more fully set forth in Defendants' Motion to Dismiss, finds that Plaintiff has failed to meet this standard and for the further reasons as set forth in Defendants' Motion to Dismiss said motion (Dkt # 104) is GRANTED.

IT IS SO ORDERED this 11th day of July, 2012.



James H. Payne
United States District Judge
Eastern District of Oklahoma