



3. COUNT III is **DISMISSED with prejudice**;
4. COUNT IV is **DISMISSED without prejudice** as to the County Defendants and **with prejudice** as to Smith; and
5. Plaintiff is granted leave to amend within thirty days of the date of this order all counts not dismissed with prejudice.

**IT IS SO ORDERED.**

/s/ Sylvia H. Rambo  
SYLVIA H. RAMBO  
United States District Judge