




b. The motion is **DENIED** as to all other Defendants and in all other respects.

3. Defendant Gomez's Motion to Dismiss Plaintiff's Amended Complaint Pursuant to F.R.C.P. 12(b)(6) (Doc. 38) is **DENIED**.
4. Plaintiff is granted sixty (60) days from the date of this Order to inform the Court whether she wishes the Court to appoint counsel or she wishes to proceed *pro se*.
5. After the filing of the election regarding counsel, the Court will establish the time within which Plaintiff will be allowed to file a second amended complaint.
6. The case is **REMANDED** to Magistrate Judge Mehalchick for further proceedings consistent with this Order and the simultaneously filed Memorandum.



Robert D. Mariani  
United States District Judge