

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

JAMES MORROW, ET AL., *and a Proposed* §
Class of Other Similarly Situated Persons, §
§
Plaintiffs, §

v. §

CIVIL ACTION NO. 2:08-CV-288

CITY OF TENAHA DEPUTY CITY §
MARSHAL BARRY WASHINGTON, §
ET.AL, §
§
Defendants. §

MEMORANDUM OPINION AND ORDER

Before the court is Defendant Danny Green’s Rule 12(e) Motion for More Definite Statement and related briefing. (D.I. #13) Eight named plaintiffs bring this action against five law enforcement officers and the mayor of Tenaha. The plaintiffs allege that the officers stopped the plaintiffs in traffic because of their race or ethnicity, and unreasonably seized their money or property in violation of their constitutional rights. The plaintiffs allege there is a widespread pattern and practice of doing so in the city of Tenaha. Defendant Danny Green filed this motion only one day after answering the complaint.

Rule 8(a) requires that a complaint contain a “short and plain statement of the claim showing that the pleader is entitled to relief.” FED. R. CIV. P. 8(a)(2). Rule 12(e) provides that “[a] party may move for a more definite statement of a pleading to which a responsive pleading is allowed but which is so vague or ambiguous that the party cannot reasonably prepare a response.” Fed.R.Civ.P. 12(e).

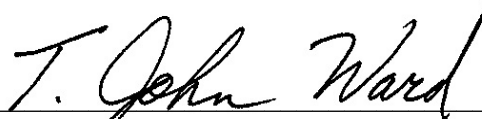
Defendant Green seeks to have this court require the plaintiffs to file an amended complaint

that includes details supporting class certification under Federal Rule 23. This, however, is not the standard for reviewing a pleading in response to a Rule 12(e) motion. Complaints in class actions have no higher pleading standard than what is required under Rule 8. Class action pleadings satisfy Rule 8 when those pleadings put the defendants on notice that the named plaintiffs seek to represent a class of similarly situated persons. *Roe v. Abortion Abolition Society*, 811 F.2d 931, 937 (5th Cir. 1987).

The complaint in this case is not so vague or ambiguous that a party cannot reasonably prepare a response. In fact, Green filed a response to the complaint before filing the instant motion. Additionally, the complaint puts the defendants on notice that the plaintiffs seek to represent a class of similarly situated persons.

The motion, therefore, is DENIED.

SIGNED this 10th day of December, 2008.

A handwritten signature in cursive script that reads "T. John Ward". The signature is written in black ink and is positioned above a horizontal line.

T. JOHN WARD
UNITED STATES DISTRICT JUDGE