



of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

**IT IS THEREFORE ORDERED** that:

1. Defendant McDonough's Motion to Dismiss Under Rule 12 (Dkt. #16) is **DENIED** as to Plaintiff's excessive force claim and **GRANTED** as to Plaintiff's gross negligence claim;
2. Defendant Martin's Motion to Dismiss Under Rule 12 (Dkt. #20) is **GRANTED** in its entirety, and all claims against Defendant Martin shall be **DISMISSED**. Plaintiff has been allowed to file an amended complaint, so the Clerk's Office will not terminate Defendant Martin at this time.
3. The City's Motion to Dismiss Under Rule 12 (Dkt. #19) is **DENIED**; and
4. The County's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) (Dkt. #6) is **DENIED**.

**IT IS SO ORDERED.**

**SIGNED this 4th day of February, 2019.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE