

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MARJORITA D. KELLEY et al.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 3:16-CV-1015-B-BK
	§	
THE CITY OF DALLAS, et al.,	§	
	§	
Defendants.	§	

ORDER ACCEPTING FINDINGS AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE

The United States Magistrate Judge made findings, conclusions and a recommendation in this case. Defendant City of Dallas filed objections, and the Court has made a *de novo* review of those portions of the proposed findings and recommendation to which objection was made. The objections are overruled, and the Court ACCEPTS the Findings, Conclusions and Recommendation of the United States Magistrate Judge.

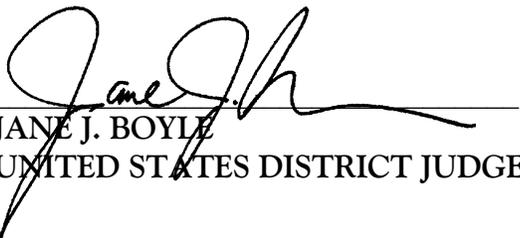
Accordingly, *The Defendant City of Dallas's Rule 12(b)(6) Motion to Dismiss the Plaintiffs' Federal Claims Against It in the Plaintiffs' Second Amended Complaint*, [Doc. 70](#), and *The Defendant Kevin Mansell's Rule 12(b)(6) Motion to Dismiss the Plaintiffs' Federal Claims Against Him in the Plaintiffs' Second Amended Complaint*, [Doc. 71](#) are GRANTED.

Normally, courts will afford a plaintiff the opportunity to overcome pleading deficiencies, unless it appears certain that such repleading would be futile. See *Hitt v. City of Pasadena*, 561 F.2d 606, 608 (5th Cir. 1977) (“[A] court ordinarily should not dismiss the complaint except after affording every opportunity for the plaintiff to state a claim upon which relief can be

granted.”). Since this Order is the Court’s first review of Plaintiffs’ allegations, the Court concludes that they should be given the opportunity to replead their equal protection claim.

If they are able to replead and overcome the grounds for dismissal stated herein, they should do so by no later than 30 days from the date of this Order. Further, any repleading shall be accompanied by a synopsis of no more than ten pages, explaining how the amendments overcome the grounds stated for dismissal in this Order. Should Plaintiffs replead, Defendants are hereby granted leave to file a response to their synopsis. Any response shall not exceed ten pages and must be filed within 14 calendar days of the repleading. If Plaintiffs do not demonstrate in their synopsis that they have overcome the pleading deficiencies outlined by the Court, no further briefing will be permitted.

SO ORDERED this 26th day of September, 2017.


JANE J. BOYLE
UNITED STATES DISTRICT JUDGE