

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

STEPHEN MANLEY

Plaintiff,

v.

TEXAS SOUTHERN UNIVERSITY

Defendant.

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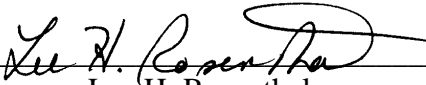
CIVIL ACTION NO. H-14-2749

ORDER GRANTING DEFENDANT’S MOTION TO DISMISS

On January 12, 2015, the court heard argument on Texas Southern University’s Motion to Dismiss Stephen Manley’s Original Complaint, (Docket Entry No. 14). Based on the pleadings, the motion, the response, and the applicable law, the court grants the motion for the reasons stated in detail on the record.

Manley’s claims under the Equal Education Opportunities Act, the Americans with Disabilities Act, and the Rehabilitation Act are dismissed with prejudice and without leave to amend because the complaint fails to state a claim on which relief can be granted and amendment would be futile. The remaining claims are dismissed for failure to state a claim, but without prejudice and with leave to amend. Manley must file an amended complaint consistent with this order no later than February 13, 2015. The defendant will have until February 27, 2015 to file a preanswer motion to dismiss the amended complaint, if appropriate, and Manley may respond by March 20, 2015.

SIGNED on January 15, 2015, at Houston, Texas.



Lee H. Rosenthal
United States District Judge