

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

DANITA MANNING,
Plaintiff,

v.

ALICIA L. FRANKLIN, *et al.*,
Defendants.

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CIVIL ACTION H-14-2916

ORDER

Pending before the court is the Magistrate Judge’s memorandum and recommendation (“M&R”) recommending that the court grant defendants’ multiple motions to dismiss (Dkts. 13, 18, 21, 24, 27, 33, 41, 42, 43, 46 and 50). Dkt. 52. Defendant Charlotte-Mecklenburg Schools (“CMS”) filed objections to the M&R. Dkt. 53. After considering the M&R and CMS’s objections, the court is of the opinion that CMS’s objections should be overruled in part and sustained in part.

CMS objects to one sentence in the M&R on technical grounds, rather than substantive ones. The M&R states that “Defendants Cowan, Judge Chapman, Reaves, West, and Cumberland County Schools challenge Plaintiff’s subject-matter jurisdiction based on the Rooker-Feldman doctrine and abstention. The remaining defendants did not raise the Rooker-Feldman doctrine in their motions to dismiss.” Dkt. 52 at 11. CMS did in fact present an argument based on the Rooker-Feldman doctrine in its motion to dismiss. Dkt. 27 at 6. Accordingly, the court SUSTAINS that objection and supplements the M&R to include a clarification that CMS also challenges subject-matter jurisdiction based on the *Rooker-Feldman* doctrine.

CMS also objects to the Magistrate’s decision not to consider the alternative grounds CMS offers for dismissal. Dkt. 53 at 2. This objection is OVERRULED. After determining that there

was no federal subject-matter jurisdiction over the claims against CMS, the Magistrate appropriately declined to consider additional arguments.

Accordingly, the M&R (Dkt. 52) is ADOPTED IN FULL and SUPPLEMENTED as noted above, and defendants' motions to dismiss (Dkts. 13, 18, 21, 24, 27, 33, 41, 42, 43, 46, 50) are GRANTED. Plaintiff's claims in this action are DISMISSED WITHOUT PREJUDICE.

Signed at Houston, Texas on July 2, 2015

A handwritten signature in black ink, appearing to read 'G. Miller', written over a horizontal line.

Gray H. Miller
United States District Judge