

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

ANNIE J. DRAKE,

)

)

Plaintiff,

)

vs.

)

Case No. 2:08-cv-1025-TMP

)

AUBURN UNIVERSITY

)

BOARD OF TRUSTEES,

)

)

Defendant.

)

ORDER DISMISSING CASE

On February 17, 2009, the magistrate judge filed his report and recommendation in this case, recommending that the defendants' motion to dismiss counts one and two of the complaint be granted, that count one be dismissed without prejudice, as withdrawn voluntarily by plaintiff, and that count two be dismissed with prejudice as barred by the Eleventh Amendment. After careful consideration of the record in this case, including the magistrate judge's report and recommendation, the court ADOPTS the findings of the magistrate judge, and ACCEPTS his recommendation.

It is therefore ORDERED that the defendants' motion to dismiss counts one and two of the complaint are GRANTED; count one is DISMISSED WITHOUT PREJUDICE, as withdrawn voluntarily by plaintiff, and count two is DISMISSED WITH PREJUDICE as barred by the Eleventh Amendment. Plaintiff's Title VII claim in count three survives.

Done this 3rd day of April 2009.

  
\_\_\_\_\_  
L. SCOTT COOGLER  
UNITED STATES DISTRICT JUDGE  
153671