

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

**PATRICK BRAXTON, *et al.*,
Plaintiffs,**

v.

**HAYWOOD STOKES III, *et al.*,
Defendants.**

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CIVIL ACTION 2:23-00127-KD-N

ORDER

After due and proper consideration of the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge (Doc. 70) made under 28 U.S.C. § 636(a)-(b) and S.D. Ala. GenLR 72(a)-(b) and dated February 6, 2024, is **ADOPTED** as the opinion of the Court. Accordingly, it is **ORDERED** that Plaintiffs' second amended complaint (Doc. 57) is **DISMISSED without prejudice** and Plaintiffs are **GRANTED LEAVE** to file an amended complaint; and Defendants' Motion to Dismiss (Doc. 62) and Motion to Strike (Doc. 61) are **DENIED** as **MOOT**.

DONE and ORDERED this the **23rd** day of **February 2024**.

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE