

**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**

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