

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

CARINA CANAAN and LEVI LANE,

Plaintiffs,

v.

CITY OF EL PASO,

Defendant.

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EP-16-CV-00132-DCG

ORDER

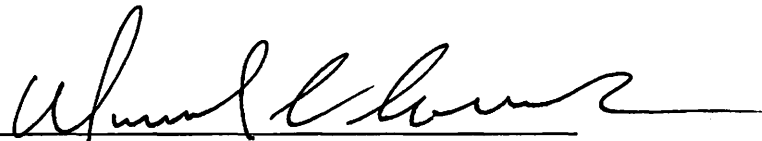
Presently before the Court is Defendant City of El Paso’s (“Defendant”) “Rule 12(B) Motion to Dismiss Plaintiffs’ First Amended Complaint” (ECF No. 35) (“Motion”) filed on February 3, 2017. Plaintiffs Carina Canaan (“Canaan”) and Levi Lane’s (“Lane”) (collectively “Plaintiffs”) filed a “Response to Defendant’s Rule 12(b) Motion to Dismiss Plaintiff’s First Amended Complaint” (ECF No. 36) (“Response”) on February 17, and Defendant followed by filing a “Reply To Plaintiffs’ Response To Defendant’s Rule 12(B) Motion To Dismiss Plaintiffs’ First Amended Complaint” (ECF No. 37) on February 24, 2017. The Court has carefully considered the parties’ briefs and arguments therein. Having done so, the Court is of the view that Defendant’s Motion should be DENIED.

Accordingly, **IT IS ORDERED** that Defendant City of El Paso’s (“Defendant”) “Rule 12(B) Motion to Dismiss Plaintiffs’ First Amended Complaint” (ECF No. 35) is **DENIED**.

IT IS FURTHER ORDERED that the Defendant’s answer to the Plaintiffs’ “First Amended Complaint” (ECF No. 34) is due **within 14 days** after the entry of this Order.¹

¹ Fed. R. Civ. P. 12(a)(4) (“Unless the court sets a different time, serving a motion under this rule alters these periods as follows: . . . if the court denies the motion . . . , the responsive pleading must be served within 14 days after notice of the court’s action.”).

So ORDERED and SIGNED this 29th day of April 2017.

A handwritten signature in black ink, appearing to read "David C. Guaderrama", written over a horizontal line.

DAVID C. GUADERRAMA
UNITED STATES DISTRICT JUDGE