

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

J.P. and all others similarly situated,	:	
	:	Case No. 2:04-cv-692
Plaintiffs,	:	
	:	
v.	:	JUDGE ALGENON L. MARBLEY
	:	
	:	
BOB TAFT, et al.	:	Magistrate Judge King
	:	
Defendants.	:	

ORDER

This matter is before the Court on the Motion to Dismiss filed by Defendant Bob Taft (“Governor Taft”) [Docket No. 23], pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. Governor Taft petitioned this Court to dismiss Plaintiffs’ claims against him on the basis that the complaint (the “Complaint”) fails to state a claim against him pursuant to 42 U.S.C. § 1983.¹

On May 18, 2005, this Court granted Plaintiffs leave to file an amended complaint (the “Amended Complaint”). That same day, the Magistrate Judge ordered filed the Amended Complaint that was previously attached to Plaintiffs’ Motion for Leave to Amend Complaint [Docket No. 41]. In the Amended Complaint, Plaintiffs added named plaintiffs to the case, and they sought to expound upon certain allegations against the Defendants. On June 2, 2005, Governor Taft filed his Motion to be Dismissed as a Party to this Action [Docket No. 79], in

¹In his first Motion to Dismiss, Governor Taft also argued that he should be dismissed as a party to the action because the Complaint did not contain allegations of any personal involvement on his part, and the Complaint, with respect to him, fails to meet the requirements of Rule 8(a) of the Federal Rules of Civil Procedure.

response to Plaintiffs' Amended Complaint.

Because Plaintiffs have filed an Amended Complaint and Governor Taft has moved for dismissal as a party to the action on the same basis as articulated in his first motion to dismiss – Plaintiffs' alleged failure to state a Section 1983 claim against him – the Court hereby finds Governor Taft's Motion to Dismiss Plaintiffs' original complaint [Docket No. 23] **MOOT**.

IT IS SO ORDERED.

s/ Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE

DATED: September 7, 2005