

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

SUSAN J., <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	CASE NO. 2:00-cv-918-F
)	
BOB RILEY, in his official capacity as)	
Governor of the State of Alabama, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

In accordance with *Doe v. Chiles*, 136 F.3d 709 (11th Cir. 1998), and *Doe v. Bush*, 261 F.3d 1037 (11th Cir. 2001), it is hereby

ORDERED that the Motion to Dismiss filed by the defendants on September 12, 2000 (Doc. # 7) is DENIED.¹

It is further ORDERED that on or before June 30, 2004 the defendants shall file their Answer to the First Amended Complaint.

DONE this the 15th day of June, 2004.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE

¹ Contrary to the defendants' contentions, Alabama's "Waiver Program" is subject to federal statutory and regulatory dictates, including 42 U.S.C. § 1396a(a)(8) and the Eleventh Amendment poses no bar to this lawsuit or to the injunctive relief sought, as this suit fits neatly within the *Ex parte Young* exception. See *Chiles*, 136 F.3d at 720-721.