

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

GARY WAYNE WRIGHT, II,

Plaintiff,

v.

**MARSHALL COUNTY ALABAMA, et
 al.,**

Defendants.

Case No.: 4:22-cv-00615-RDP


ORDER

This case is before the court on the partial Motion to Dismiss filed by Defendants Marshall County, Alabama; Marshall County Chairman James Hutcheson; Marshall County Commissioners Ronny Shumate, Rick Watson, Lee Sims, and Joey Baker; Marshall County attorney Clint Maze; Marshall County employee Rhonda McCoy; and Marshall County Sheriff Phil Sims. (Doc. # 14). For the reasons explained in the corresponding Memorandum Opinion, the motion is **GRANTED**. Counts One, Two, and Three are **DISMISSED** against all Defendants except for Marshall County and Sheriff Phil Sims, in his official capacity only. Count Four is **DISMISSED** in its entirety, against all Defendants. Likewise, Count Five is also **DISMISSED** in its entirety, against all Defendants. Plaintiff’s remaining claims in this case are the following:

- Count One: Violation of the First Amendment right to freedom of speech, against Defendants Marshall County and Sheriff Phil Sims in his official capacity only;
- Count Two: Violation of the First Amendment right to peaceably assemble, against Defendants Marshall County and Sheriff Phil Sims in his official capacity only; and
- Count Three: Violation of the First Amendment right to petition the government for redress of grievances, against Defendants Marshall County and Sheriff Phil Sims in his official capacity only.

(See Doc. # 1 at 9-12).

DONE and **ORDERED** this January 6, 2023.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE