

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

RAJIN PATEL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
TEXAS TECH UNIVERSITY, et al.,	)	
	)	
Defendants.	)	Civil Action No. 5:17-CV-174-C

ORDER

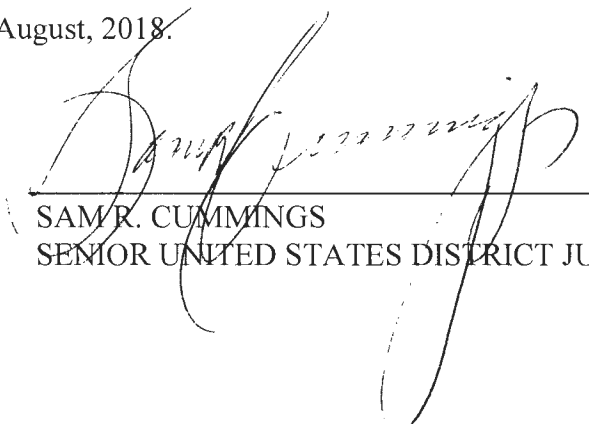
Plaintiff was previously ordered to file a Rule 7(a) Reply to the Defendants asserting qualified immunity and was put on notice that failure to plead with particularity facts focusing specifically on the conduct of each individual would result in the dismissal of claims against parties asserting the defense of qualified immunity. *Reyes v. Sazan*, 168 F.3d 158 (5th Cir. 1999). The Court finds that Plaintiff's Complaint and Rule 7(a) Reply fail to plead a constitutional violation with sufficient particularity as to Defendants William Pasewark and Robert Ricketts. These Defendants shall therefore be dismissed in accordance with the Court's prior order. *Schultea v. Wood*, 47 F.3d 1427 (5th Cir. 1995) (en banc).

The Court, having considered Plaintiff's Rule 7(a) Reply, finds that Plaintiff's pleadings assert facts which, if true, would overcome the defense of qualified immunity as to Defendants Duane Jones and Brittany Todd.

IT IS, THEREFORE, ORDERED that Defendants William Pasewark, and Robert Ricketts are entitled to qualified immunity and all claims asserted against these Defendants in their individual capacities are **DISMISSED**.¹

IT IS, FURTHER, ORDERED that any motion to dismiss or motion for summary judgment relating to the issue of qualified immunity by Defendants Duane Jones and Brittany Todd shall be filed within forty-five (45) days from the date of this order, with any responses thereto to be filed in accordance with the Local Rules for the Northern District of Texas. The Court will not consider a motion to dismiss or motion for summary judgment on the issue of qualified immunity that is not filed on or before such deadline.²

SO ORDERED this 6th day of August, 2018.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE

¹Plaintiff's claims against these Defendants in their official capacities are really just claims against Defendant Texas Tech University, and these individual Defendants should therefore be terminated from the lawsuit at this point.

²After the issue of qualified immunity is resolved, an additional summary judgment motion on any or all remaining issues may be filed if need be. *See* LR 56.2(b).