

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

B. P. J., et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:21-cv-00316

WEST VIRGINIA STATE BOARD OF EDUCATION, et al.,

Defendants.

ORDER

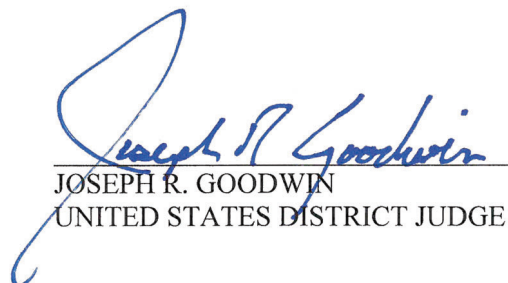
Pending before the Court is the joint motion by Plaintiff B.P.J. and Defendants State of West Virginia and Patrick Morrissey, in his official capacity as Attorney General for the State of West Virginia (the “Attorney General”), to dismiss without prejudice B.P.J.’s Equal Protection claim in Count II of the First Amended Complaint against Defendant Morrissey. [ECF No. 82].

The Joint Motion to Dismiss is **GRANTED**. The claim by Plaintiff B.P.J. against the Attorney General in Count II of the First Amended Complaint, under the Equal Protection Clause, is **DISMISSED without prejudice**, and the Attorney General is **DISMISSED** as a party. This order does not affect any other claim or issue in the case.

Each side will bear the costs and fees as to this claim against the Attorney General as well as this motion and the Attorney General’s previously-filed motion to dismiss. [ECF No. 77].

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: November 30, 2021


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE