IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

FILED

DEC 2 2 2011

RODOLFO SANCHEZ and
KRISTOPHER SLEEMAN,
Plaintiffs,

V.

ART ACEVEDO, MICHAEL
MCDONALD, MARC OTT, LEE
LEFFINGWELL, MIKE MARTINEZ,
KATHY TOVO, LAURA MORRISON,
SHERYL COLE, BILL SPELMAN,
and CHRIS RILEY,
all in their official capacities,

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the CITY OF AUSTIN,
\$
\$

Defendants.

CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

Civil Action No. 1:11-cv-00993-LY

ORDER

On December 22, 2011, the Court considered the defendants' Rule 12 Motion to Dismiss filed on December 8. Having reviewed the motion, the plaintiffs' response, and the record, the Court finds that the plaintiffs' claims against defendants Art Acevedo, Michael McDonald, Marc Ott, Lee Leffingwell, Mike Martinez, Kathy Tovo, Laura Morrison, Sheryl Cole, Bill Spelman, and Chris Riley, all in their official capacities, are redundant of the plaintiffs' claims against defendant City of Austin.

Accordingly, the defendants' Rule 12 Motion to Dismiss is hereby GRANTED in part.

The plaintiffs' claims against the individual defendants in their official capacities are DISMISSED. Dismissal of these claims is without prejudice to claims against those defendants in their individual capacities.

Signed this day of December, 2011

ION. ZEE YEAKEL

UNITED STATES DISTRICT JUDGE