

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

**FAYETTEVILLE PUBLIC LIBRARY, a political subdivision
in the City of Fayetteville, State of Arkansas, *et al.***

PLAINTIFFS

V.

CASE NO. 5:23-CV-05086

CRAWFORD COUNTY, ARKANSAS, *et al.*

DEFENDANTS

ORDER

Before the Court is a Motion to Strike Certain Allegations in Plaintiffs' Amended Complaint and Renewed Motion to Dismiss (Doc. 76) filed by Defendants Crawford County and Crawford County Judge Chris Keith. Plaintiffs filed their Amended Complaint (Doc. 75) on January 22, 2024. The amended pleading is identical to the original except for the following:

- Plaintiff Hayden Kirby was seventeen years old when the original complaint was filed, but she has since turned eighteen, and that update has been noted, *see id.* at ¶ 17;
- Crawford County resident Miel Partain and her seventeen-year-old daughter Madeline have been added as new Plaintiffs, *id.* at ¶¶ 18, 19; and
- two sentences were added to describe certain actions allegedly taken by Crawford County, *id.* at ¶ 82.

Crawford County Defendants ask the Court to strike Paragraphs 7, 80, 81, 82, and 83 from the Amended Complaint pursuant to Federal Rule of Civil Procedure 12(f), and they renew their previously denied motion to dismiss (Doc. 35) pursuant to Rules 12(b)(1) and (6).¹

¹ They did not submit new briefing on the request for dismissal but instead “adopt[ed] and incorporate[d] by reference [their] previous arguments . . . as if fully stated and argued.” (Doc. 77, p. 7).

Upon due consideration, **IT IS ORDERED** that the Motion to Strike Certain Allegations in Plaintiffs' Amended Complaint and Renewed Motion to Dismiss (Doc. 76) is **DENIED**. The request to strike is meritless, and the request to dismiss for lack of standing and failure to state a claim is denied for the same reasons as the original motion. See Order, Doc. 52.

IT IS SO ORDERED on this 4th day of March, 2024.

/s/ Timothy L. Brooks
TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE