

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 06-12268  
Non-Argument Calendar

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FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT FEB 22, 2007 THOMAS K. KAHN CLERK
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D.C. Docket No. 02-00125-CV-CAR-5

2025 EMERY HIGHWAY, L.L.C.,  
d.b.a Club Exotica,

Plaintiff-Appellant,

versus

BIBB COUNTY, GA,  
JOHN DOE, in his official capacity with the  
Bibb County Sheriff's office,  
JERRY M. MODENA, SR., Sheriff, in his official capacity  
as the Sheriff of Bibb County,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Middle District of Georgia

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**(February 22, 2007)**

Before TJOFLAT, HULL and COX, Circuit Judges.

PER CURIAM:

The Plaintiff 2025 Emery Highway, LLC d/b/a Club Exotica (“The Club”) contends on this appeal that the district court erred by: (1) denying The Club declaratory and injunctive relief that would permit it to offer nude dance entertainment; (2) concluding that actions at The Club on August 16, 2003 did not amount to a prior restraint of Plaintiff’s First Amendment rights; and (3) concluding that the Bibb County Sheriff’s Office acted as an “arm of the state” and as such is entitled to Eleventh Amendment immunity from this damage claim.

Having reviewed the briefs and relevant parts of the record, we discern no reversible error.

**AFFIRMED.**