

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 06-13524  
\_\_\_\_\_

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT MARCH 15, 2007 THOMAS K. KAHN CLERK
---

D. C. Docket No. 05-02569 CV-TWT-1

CARA WILLIAMS,

Plaintiff-Appellant,

versus

JACQUELINE BARRETT,  
JOHN DOE NO. 1,  
JOHN DOE NO. 2,  
JOHN DOE NO. 3,  
JANE DOE NO. 1., et al.,

Defendants-Appellees.

\_\_\_\_\_  
Appeal from the United States District Court  
for the Northern District of Georgia  
\_\_\_\_\_

**(March 15, 2007)**

Before DUBINA and COX, Circuit Judges, and SCHLESINGER,\* District Judge.

\_\_\_\_\_  
\*Honorable Harvey E. Schlesinger, United States District Judge for the Middle District of Florida, sitting by designation.

PER CURIAM:

Appellant Cara Williams filed a complaint pursuant to 42 U.S.C. § 1983 in the United States District Court for the Northern District of Georgia, alleging that her constitutional rights were violated during her incarceration in the Fulton County, Georgia, jail. In her complaint, Williams named Sheriff Jacqueline Barrett, as well as six unidentified sheriff's deputies, as defendants. Without permitting any discovery in the case, the district court granted Barrett's motion to dismiss for failure to state a claim upon which relief can be granted. See Fed. R. Civ. P. 12(b)(6). Williams then perfected this appeal.

After reviewing the record, reading the parties' briefs, and having the benefit of oral argument, we conclude that the district court abused its discretion by not permitting Williams any discovery in this case before granting the Rule 12(b)(6) motion to dismiss. Accordingly, we vacate the district court's judgment of dismissal and remand this case with directions that the court permit the parties' to engage in discovery.

**VACATED and REMANDED.**