

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 07-14757

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT May 27, 2008 THOMAS K. KAHN CLERK

D. C. Docket No. 99-00799 CV-CG-M

MICHAEL R. PARDUE,

Plaintiff-Appellant,

versus

MOBILE COUNTY, AL,
SARALAND, CITY OF, et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Alabama

(May 27, 2008)

Before DUBINA and BARKETT, 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, Michael Pardue, appeals the district court's order dismissing his 42 U.S.C. § 1983 and pendent state law claims against Mobile County, Baldwin County, the City of Saraland, and various individual defendants employed by those governmental entities. Pardue also challenges an earlier district court order which dismissed several defendants based on absolute prosecutorial immunity. After reviewing the record, reading the parties' briefs, and having the benefit of oral argument, we vacate the district court's orders and remand this case for further proceedings consistent with this opinion.

First, concerning the statute of limitations argument, we agree with Judge Vollmer's original ruling that Pardue could not have filed his § 1983 claims before the charges were *nolle prossed*. Moreover, because we believe that the allegations contained in the complaint against the prosecutors should more appropriately be determined on a motion for summary judgment, we vacate the district court's orders and remand this case.¹

VACATED and REMANDED.

¹We also vacate the district court's dismissal of the pendent claims.