

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

No. 09-3892

DAVID M. SCHNEIDER,  
Plaintiff - Appellant,

v.

MICHAEL HARDESTY et al.,  
Defendants,  
THOMAS NELSON,  
Defendant - Appellee.

Before: MOORE and ROGERS, Circuit Judges; HOOD, District Judge.

**JUDGMENT**

On Appeal from the United States District Court  
for the Southern District of Ohio at Cincinnati.

THIS CAUSE was heard on the record from the district court and was argued by counsel.

IN CONSIDERATION WHEREOF, it is ORDERED that the judgment of the district court is REVERSED and the case is REMANDED for further proceedings consistent with the opinion of this court.

**ENTERED BY ORDER OF THE COURT**



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Leonard Green, Clerk

**FILED**  
***Feb 23, 2012***  
LEONARD GREEN, Clerk