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Accordingly, it is HEREBY ORDDERED that:

1. This action shall proceed on Plaintiff's third amended complaint, filed November 26, 2012, against Defendants R. D. Smith and Kirk for deliberate indifference to Plaintiff's dental needs;
2. Plaintiff's Eighth Amendment claim against Defendant Kirk for failure to treat his tooth is dismissed, with prejudice, for failure to state a claim;
3. Plaintiff's Eight Amendment claims against Defendants T. Smith and Moody is dismissed, with prejudice, for failure to state a claim;
4. Defendants T. Smith and Moody are dismissed from this action; and
5. This matter is referred back to the Magistrate Judge to initiate service of process proceedings.

IT IS SO ORDERED.

Dated: June 19, 2013



SENIOR DISTRICT JUDGE