

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

EUGENE GRIGGS; and CAMERON
MADDOX,

Plaintiffs,

v.

CV 117-089

AHMED HOLT, in his official
capacity as Assistant Regional
Director, Georgia Department of
Corrections; EDWARD PHILBIN, in
his official capacity as Warden,
Augusta State Medical Prison;
VERNEAL EVANS, Former
Correctional Officer, Augusta
State Medical Prison, in his
individual capacity; JANSON
CREAGER and TREI BLUITT,
Correctional Officers, Augusta
State Medical Prison, in their
official capacity,

Defendants.

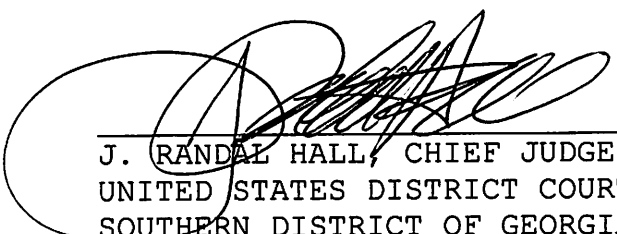
O R D E R

Before the Court is Plaintiffs' motion for partial voluntarily dismissal. (Doc. 109.) Plaintiffs seek to dismiss only their claims for declaratory and injunctive relief against Defendants Ahmed Holt and Edward Philbin, but allow their damages claims to proceed. In support, Plaintiffs contend the prospective relief claims are moot because Plaintiff Griggs was transferred out of Augusta State Medical Prison ("ASMP") and is now released

from prison on parole and Plaintiff Maddox was transferred out of ASMP for reasons unrelated to this lawsuit. While Plaintiffs' motion was not filed as a stipulation or joint motion, Defendants have subsequently consented to the dismissal of the prospective claims. (Doc. 110.)

Upon due consideration, Plaintiffs' motion for partial voluntarily dismissal (Doc. 109) is **GRANTED**. Plaintiffs' claims for declaratory and injunctive relief against Defendants Holt and Philbin styled as "Count III" in Plaintiffs' amended complaint (Doc. 7) are **DISMISSED WITHOUT PREJUDICE**. The Clerk is directed to **TERMINATE** Defendant Ahmed Holt and Defendant Edward Philbin from this case.

ORDER ENTERED at Augusta, Georgia, this 20th day of March, 2019.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA