

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

BRIAN HOGUE,

Plaintiff,

v.

KEITH YORDY and KEVIN
KEMPF, sued in their official and
individual capacities, and
SERGEANT JOHN DOE, sued in his
individual capacity,

Defendants.

Case No. 1:17-cv-00373-BLW

**MEMORANDUM DECISION
AND ORDER**

INTRODUCTION

Before the Court is Defendant Keith Yordy and Henry Atencio's Renewed Motion for Summary Judgment (Dkt. 41). For the reasons explained below and in this Court's September 19, 2019 Order (Dkt. 40), the Court will grant the motion and enter judgment in defendants' favor.

BACKGROUND

In September 2019, this Court denied Defendants' motion for summary judgment for the sole purpose of allowing plaintiff the opportunity to conduct additional discovery. *See* Dkt. 40. Plaintiff was given 90 days in which to conduct

discovery so that he would be in a position to put forward evidence to defend the motion. The 90-day period has elapsed, and plaintiff has not come forward with any additional evidence or briefing. Defendants have thus renewed their motion for summary judgment. Plaintiff does not oppose the renewed motion. Accordingly, the Court will grant the motion and enter summary judgment in defendants' favor.

The Court undertook a thorough analysis of the arguments and evidence in its earlier order. Rather than reiterating that order here, the Court will instead simply incorporate that order by reference.

ORDER

IT IS ORDERED that Defendant Yordy and Atencio's Renewed Motion for Summary Judgment (Dkt. 41) is **GRANTED**. Judgment will be set out in a separate document, as required by Federal Rule of Civil Procedure 58(a).



DATED: February 3, 2020

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. Lynn Winmill
U.S. District Court Judge