

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ANTHONY OLIVE,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO. 02-CV-945-WDS
)	
DONALD SNYDER, et al.,)	
)	
Defendants.)	

JUDGMENT IN A CIVIL CASE

DECISION BY COURT. This matter is before the court on Report and Recommendation of United States Magistrate Judge Donald G. Wilkerson.

IT IS HEREBY ORDERED AND ADJUDGED that pursuant to the Order of the Court dated March 23, 2009, the Court **GRANTED** defendants’ motion for summary judgment (Doc. 77) and judgment is entered in favor of defendants **Tom Caraway, Roger Cowan, Klint Gale, Gary Knop, Thomas Maue, Brad Meyerhoff, Lori Oakley, and Joseph C. Phoenix** and against plaintiff, **Anthony Olive**, on plaintiff’s claim of deliberate indifference to a serious risk of harm based upon conditions of his confinement. The Court **FURTHER GRANTED** defendants **Keith Anderson, Tom Caraway, Roger D. Cowan, Klint Gale, Gary A. Knop, Thomas Maue, Brad Meyerhoff, Lori Oakley, and Joseph C. Phoenix’s** motion for summary judgment on the issue of qualified immunity and **FINDS** that the defendants are entitled to qualified immunity in defense of this action.

IT IS FURTHER HEREBY ORDERED AND ADJUDGED that pursuant to the Order of the Court dated March 23, 2009, the Court **DISMISSED** as **MOOT**, plaintiff’s claims in Count 4 for emotional suffering and for declaratory and injunctive relief.

IT IS FURTHER HEREBY ORDERED AND ADJUDGED that pursuant to the Order of the Court dated March 23, 2009, the Court **DISMISSED** plaintiffs’ claims against defendant

Keith Anderson on all grounds.¹

IT IS FURTHER HEREBY ORDERED AND ADJUDGED that pursuant to the Order of the Court dated March 23, 2009, Court sua sponte **DISMISSED** Unknown Parties John Doe 1, 2 and 3.

IT IS FURTHER HEREBY ORDERED AND ADJUDGED that pursuant to the Order of the Court dated March 7, 2005, the Court **DISMISSED** without prejudice plaintiff's claims in Count 2 claiming a denial of due process challenging his disciplinary proceedings from the November 28, 2000, against defendants **Robert E. Gales, C/O Phoenix, C/O Meyerhoff, Captain Oakley, Tom Caraway, Klint Gale, Minh T. Scott, Roger D. Cowan, Tom Carter, Leora Harry, Donald N. Snyder, Jr., Michael Baker, Dwayne Clark, Deputy Director Cooper, Gary A. Knop, Captain Lashbrook, Sandra Kibby Brown, and Superintendent Maue**

IT IS FURTHER HEREBY ORDERED AND ADJUDGED that pursuant to the Order of March 7, 2005, the Court **DISMISSED** without prejudice plaintiff's claims in Count 3 against defendants **Klint Gale, Leora Harry, Tom Caraway, C/O Phoenix, C/O Meyerhoff, Captain Oakley and Robert E. Gales**, for violations of state law.

IT IS FURTHER HEREBY ORDERED AND ADJUDGED that pursuant to the Order of March 7, 2005, the Court **DISMISSED** plaintiffs claims with prejudice against defendants **Robert E. Gales, Minh T. Scott, Roger D. Cowan, Tom Carter, Leora Harry, Donald N. Snyder, Jr., Michael Baker, Dwayne Clark, Deputy Director Cooper, Captain Lashbrook, Sandra Kibby Brown, Eugene McAdory and B. Bravo.**

Each party shall bear their own costs.

¹The parties have agreed that Keith Anderson is not the defendant Anderson the plaintiff intended to sue.

