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UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS

EDWIN HERRERA,

Plaintiff,

V.

Case No. 11-cv-810-JPG

LIEUTENANT WALTERS, C/O STOUT and NURSE HARDY,

Defendants.

JUDGMENT

This matter having come before the Court, the issues having been heard, and the Court having rendered a decision,

IT IS HEREBY ORDERED AND ADJUDGED that the following claims are dismissed without prejudice:

- Count 1, plaintiff Edwin Herrera's claim against defendants Lieutenant Shane Walters and Andy Stout for excessive force in violation of the Eighth Amendment; and
- Count 2, plaintiff Edwin Herrera's claim against defendant Nurse Hardy for deliberate indifference to a serious medical need in violation of the Eighth Amendment.

DATED: April 22, 2013 NANCY J. ROSENSTENGEL, Clerk of Court

s/Brenda K. Lowe, Deputy Clerk

Approved: <u>s/J. Phil Gilbert</u>

J. PHIL GILBERT DISTRICT JUDGE