

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ERIC D. SMITH,

PLAINTIFF

v.

JEFF WRIGLEY AND EDWARD G. BUSS,

DEFENDANTS.

CAUSE NO. 1:09-CV-0964-WTL-JMS

**NOTICE OF WITHDRAWAL OF FAILURE TO
EXHAUST ADMINISTRATIVE REMEDIES DEFENSE**

Comes now the Defendant, Jeff Wrigley, and provides notice to the Court that, upon review of Inmate Smith's grievance files, Defendant, Jeff Wrigley, is withdrawing his failure to exhaust affirmative defense and will not be filing a dispositive motion on this ground on or before October 5, 2009.

s/Bruce B. Paul

Bruce B. Paul

Supreme Court No. 25731-10

STITES & HARBISON, PLLC

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COUNSEL FOR DEFENDANT, JEFF WRIGLEY

CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2009, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Corinne Gilchrist
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I hereby certify that a copy of the foregoing was served by United States First Class Mail, postage prepaid, on this 1st day of October, 2009 upon:

Eric D. Smith, #112675
NCCF P. O. Box A
New Castle, IN 47362

s/Bruce B. Paul

Bruce B. Paul