

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT LOUISVILLE  
CIVIL ACTION NO. 3:08CV-P192-S

DAVID ST. JAMES

PLAINTIFF

v.

JOHN D. REES *et al.*

DEFENDANTS

**ORDER**

For the reasons set forth in the Memorandum and Order entered this date, and the Court being otherwise sufficiently advised,

**IT IS ORDERED** that the motion to dismiss Defendant Sal Iweimrin by Agreed Order (DN 27) is **GRANTED** pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) and that the claims against Defendant Sal Iweimrin are **DISMISSED**.

**IT IS FURTHER ORDERED** that the remaining claim against Defendant Steven White is **DISMISSED** pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i).

There being no just reason for delay in its entry, this is a final Order.

This Court further **certifies** that an appeal would be frivolous and, therefore, not taken in good faith. *See* 28 U.S.C. § 1915(a)(3).

Date: October 6, 2009



**Charles R. Simpson III, Judge**  
**United States District Court**

cc: Plaintiff, *pro se*  
Counsel of Record  
4411.005