

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

DAVID ALLEN WARD

PLAINTIFF

v.

CIVIL ACTION NO. 3:09CV-P315-H

KENTUCKY STATE REFORMATORY *et al.*

DEFENDANTS

ORDER

For the reasons set forth in the Memorandum Opinion entered this date, and the Court being otherwise sufficiently advised, **IT IS ORDERED** that Plaintiff's claim under 42 U.S.C. § 1983 against Aramark and his § 1983 individual and official-capacity claims Defendants Mark Geddes and Mashell McMillian are **DISMISSED** pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted. Only Plaintiff's state-law claims are permitted to proceed against these Defendants.

Further, the § 1983 individual-capacity claims against Defendant Healthcare Grievance Committee members are **DISMISSED** pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted. Because no claims remain against Defendant Healthcare Grievance Committee, the **Clerk of Court is DIRECTED to terminate** this Defendant from this action.

Date: July 24, 2009

A handwritten signature in black ink, appearing to read "John G. Heyburn II", is written over a circular seal of the United States District Court for the Western District of Kentucky. The seal features an eagle with wings spread, perched on a shield, with the text "UNITED STATES DISTRICT COURT" and "WESTERN DISTRICT OF KENTUCKY" around the perimeter.

John G. Heyburn II, Judge
United States District Court

cc: Plaintiff Ward, *pro se*
Defendants
General Counsel, Justice & Public Safety Cabinet
4412.010