

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

DWIGHT WHEELER,

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Plaintiff,

)

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v.

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No. 2:09CV0009 ERW

)

JILL PERKINS, et al.,

)

)

Defendants.

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ORDER

This matter is before the Court on plaintiff's motion for reconsideration. The motion will be granted.

On March 11, 2009, plaintiff filed his complaint under 42 U.S.C. § 1983. Plaintiff filed in forma pauperis, and the Court reviewed the complaint under 28 U.S.C. § 1915(e). On March 23, 2009, the Court dismissed defendants Lawrence, Godert, Prudden, and Dunn from the complaint on the basis that they were not directly responsible for the alleged constitutional deprivations. Plaintiff now moves the Court to reconsider the dismissal of those defendants, stating that those defendants were aware of and tacitly approved of the constitutional deprivations. Upon review of the motion and the case law cited, the Court finds that the complaint survives initial review as to these defendants and that they should be ordered to respond to the complaint. As a result, the Court will grant the motion for reconsideration.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for reconsideration [#12] is **GRANTED**.

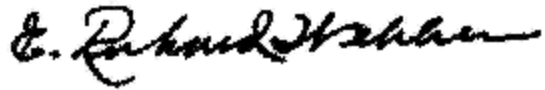
IT IS FURTHER ORDERED that the Court's Order of Partial Dismissal dated March 23, 2009, is **VACATED**.

IT IS FURTHER ORDERED that the Court's Memorandum and Order dated March 23, 2009, is **VACATED**, in part, insofar as it dismissed defendants Lawrence, Godert, Prudden, and Dunn from this action.

IT IS FURTHER ORDERED that the Clerk shall issue process or cause process to issue on the complaint as to defendants Lawrence, Godert, Prudden, and Dunn.¹

IT IS FURTHER ORDERED that defendants Lawrence, Godert, Prudden, and Dunn shall reply to plaintiff's claims within the time provided by the applicable provisions of Rule 12(a) of the Federal Rules of Civil Procedure.

Dated this 24th Day of April, 2009.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE

¹These defendants are alleged to be employees of the Missouri Department of Corrections.