



ORDERED that defendant Hovis' motion to dismiss for failure to exhaust administrative remedies required by 42 U.S.C. § 1997e is granted and plaintiff's claims against defendant Hovis are dismissed, without prejudice. [14] It is further

ORDERED that defendant Hovis' alternative motion to dismiss for failure to state a claim is denied as moot. [14] It is further

ORDERED that the partial motion of defendants Lewis, Pridgeon, Gryglewski and Hovis to dismiss plaintiff's official capacity claims, claims of denial of medical care, and related allegations of failure to transfer plaintiff to another facility based on his mental health condition is granted. [22] It is further

ORDERED that defendants' alternative motion for judgment on the pleadings is denied as moot. [22]

/s/Scott O. Wright  
SCOTT O. WRIGHT  
Senior United States District Judge

Dated: February 23, 2009