

AO 450 (Rev. 5/85) Judgment in a Civil Case ⊕

UNITED STATES DISTRICT COURT

***** DISTRICT OF NEVADA

STEVE MICHAEL COX,

Plaintiff,

V.

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 3:08-CV-00110-RCJ-VPC

GLEN WHORTON, et al.,

Defendants.

- Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.
- Decision by Court.** This action came to be considered before the Court. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that Defendants' Motion to Dismiss (#11) is **GRANTED** as to : 1. All claims against defendants Miller, McDaniel, MacArthur, Whorton, D'Amico, Endel, and Tripp, including those in Counts V, VII, and VIII; 2. All claims brought against all remaining defendants in their official capacities for money damages; 3. Count V - all claims against all defendants. These claims are barred by the doctrine of *res judicata*; and, 4. Count VIII - Plaintiff's Eighth Amendment claims against defendant Lemich with regard to the November 2, 2005 alleged denial of medical care. Plaintiff failed to exhaust his administrative remedies.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss (#11) is **DENIED** as to: 1. Counts 1 and II; 2. Count VII - Plaintiff's claims against defendant Bishop; and 3. Count VIII - Plaintiff's First and Eighth Amendment claims against defendant Lemich with regard to the July 26, 2006 alleged retaliatory denial of medical care.

October 30, 2009

LANCE S. WILSON
Clerk

/s/ D. R. Morgan
Deputy Clerk