

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

UNITED STATES DISTRICT COURT

***** DISTRICT OF NEVADA

MARION ANDERSON,

Plaintiff,

V.

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 3:09-cv-00375-HDM-VPC

E.K. McDANIEL, 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.

X **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 The court construes defendants' motion for summary judgment as an unenumerated Rule 12(b) motion to dismiss for failure to exhaust, GRANTS said motion [26], and DISMISSES WITHOUT PREJUDICE plaintiff's third amended complaint [19].

April 12, 2011

Date

LANCE S. WILSON

Clerk

/s/ M. Campbell

Deputy Clerk