

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

JUDGMENT IN A CIVIL CASE

Lewis Thomas, III,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 2:08-cv-938
	:	
Karen Smith, et al.,	:	JUDGE MARBLEY
	:	
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 was decided by the Court without a trial or hearing.

IT IS ORDERED AND ADJUDGED That pursuant to the March 1, 2010 Opinion and Order, the Court OVERRULES Mr. Thomas’ objection and ADOPTS the Report and Recommendation in its entirety. The Court grants the motion for judgment on the pleadings filed by defendants Collins and Timmerman-Cooper (#30) and the motion for summary judgment filed by defendants Gray and Harper (#36) insofar as these motions relate to Mr. Thomas’ Eighth Amendment claims. The Court denies the motion to stay discovery filed by defendants Collins and Timmerman-Cooper (#31) as moot. In light of the fact that all federal claims against these four defendants have been dismissed, the Court exercises its discretion to dismiss without prejudice any state-law claims asserted by Mr. Thomas against them. The Court further dismisses all claims against defendant Karen Smith not only because she has not been served with the complaint, but also for the same reasons which support dismissal of the claims against

defendants Gray and Harper. The Clerk shall terminate this action.

Date: **March 1, 2010**

James Bonini, Clerk

s/Betty L. Clark

Betty L. Clark/Deputy Clerk