

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST COURT
AT DANVILLE, VA
FILED
for Roanoke
DEC - 1 2009
JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

ROBERT A. MORRISON,) Civil Action No. 7:08-cv-00643
Plaintiff,)
)
v.) ORDER
)
SERGEANT JORDAN, et al.,) By: Hon. Jackson L. Kiser
Defendants.) Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

ORDERED

that the defendants' motion to dismiss (docket # 39) is **GRANTED in part and DENIED in part**: it is granted regarding plaintiff's claims against the defendants in their official capacities, all claims against Officer Colbert, claim of supervisory liability against Lieutenant Booker, all claims against Superintendent Matthews, and claims of intentional infliction of emotional distress; it is denied regarding plaintiff's Fourteenth Amendment claims against Sergeant Jordan, Corporal Burgess, and Lieutenant Booker. It is further **ORDERED** that Officer Colbert and Superintendent Matthews are **TERMINATED** as defendants and plaintiff's motion for partial summary judgment (docket # 48) is **DENIED as moot**. The remaining defendants shall **FILE within twenty days** an answer to the complaint, as amended, and the remaining defendants may file any dispositive motion, if desired, within twenty days. After twenty days, the matter shall be set for a jury trial.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to plaintiff and counsel of record for the defendants.

ENTER: This 1st day of ~~November~~ ^{December}, 2009.

[Signature]
Senior United States District Judge