Jones v. Wasileski et al Doc. 55

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

REUBEN CHARLES JONES,	)	
	)	**Case No. 7:09CV00032**
Plaintiff,	)	
	)	
v.	)	**ORDER**
	)	
	)	
S. K. WASILESKI, ET AL.,	)	**By: Hon. Glen E. Conrad**
	)	**United States District Judge**
Defendant.	)	

In accordance with the accompanying memorandum opinion, it is hereby

ORDERED

as follows:

1. The defendants' motion to dismiss (Dkt. No. 35) is **DENIED in part and TAKEN UNDER ADVISEMENT in part**. As to defendants' argument that the allegations of the complaint are insufficient to state a claim, the motion to dismiss is **DENIED**. As to defendants' argument that they are entitled to qualified immunity against plaintiff's claims for monetary damages, the motion to dismiss is **TAKEN UNDER ADVISEMENT**, pending further development of the record;

2. Plaintiff's motion for interlocutory injunctive relief (Dkt. No. 43) is **DENIED**, but his complaint is hereby amended to include a demand for injunctive and declaratory relief, based on the arguments in the motion; and

3. The clerk will enter an appropriate pretrial scheduling order.

The clerk will send copies of this order and the accompanying memorandum opinion to plaintiff and to counsel of record for the defendants.

ENTER: This 17th day of July, 2009.

United States District Judge

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