

CLERK'S OFFICE U.S. DIST COURT
AT ROANOKE, VA
FILED

DEC 08 2009

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

DESMOND JONES,)	
)	
Plaintiff,)	Case No. 7:09CV00055
)	
v.)	
)	<u>FINAL ORDER</u>
)	
MS. VANDEVANDER,)	By: Glen E. Conrad
)	United States District Judge
Defendant.)	

In accordance with the accompanying memorandum opinion, it is hereby

ORDERED

as follows:

1. The clerk **SHALL** change the docket of the court to reflect the correct spelling of the defendant's name as "Ms. Vandevander";
2. The report and recommendation of the magistrate judge (Dkt. No. 38) is hereby **ADOPTED** as to plaintiff's claims that Ms. Vandevander acted with deliberate indifference to his serious medical needs; and the defendant's motion for summary judgment (Dkt. No. 31) is **GRANTED**;
3. Any possible state law claims regarding plaintiff's course of medical treatment are hereby **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1367(c);
4. Plaintiff's claims of retaliation are hereby **DISMISSED**, pursuant to 28 U.S.C. § 1915A(b)(1), for failure to state a claim;
5. Plaintiff's submissions regarding injunctive relief (Dkt. Nos. 35 and 37) are hereby **CONSTRUED** and **GRANTED** as motions to amend, but plaintiff's amended claims for injunctive relief regarding future medical treatment are **DISMISSED** as moot, inasmuch as he is no longer under the defendant's care since his transfer; and
6. This action is hereby stricken from the active docket of the court.

ENTER: This 7th day of December, 2009.

[Signature]

 United States District Judge