

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

GLENN'S OFFICE U.S. DIST. COURT  
AT DANVILLE, VA  
FRED  
for Roanoke  
APR 20 2010

JOHN F. CORCORAN, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

MICHAEL AKOS MORVA, )  
Plaintiff, )

Civil Action No. 7:09-cv-00518

v. )

ORDER

SHERIFF OCTAVIA JOHNSON, et al., )  
Defendants. )

By: Hon. Jackson L. Kiser  
Senior United States District Judge

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

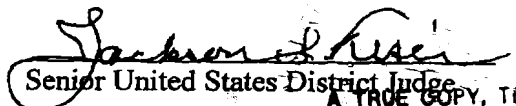
**ORDERED**


that:

- 1) Plaintiff's response to the conditional filing order (no. 10) **SHALL** be plaintiff's Amended Complaint.
- 2) Sheriff Octavia Johnson, Sergeant Watkins, Deputy Young, Deputy Howard, and Deputy Cunningham are **ADDED** as defendants.
- 3) Doctor Berdine shall not be joined as a defendant, plaintiff's Claim Two is **SEVERED** from the Amended Complaint, pursuant to Fed. R. Civ. P. 21, and Claim Two is **DISMISSED without prejudice**.
- 4) Plaintiff's motions to amend (no. 13, 15) are **GRANTED in part and DENIED in part**: they are **GRANTED** as to Claim One and **DENIED** as moot as to Claim Two.
- 5) The Roanoke City Jail, the City of Roanoke, and the Commonwealth of Virginia are **TERMINATED** as defendants.
- 6) The caption shall be **UPDATED** accordingly.
- 7) Plaintiff's motion for the inclusion of prior exhibits is **GRANTED** as to Claim One and **DENIED** as moot as to Claim Two.

- 8) Plaintiff's motions for discovery (no. 5, 7, 12) are **DENIED without prejudice**.
- 9) The Clerk **SHALL** attempt service of process upon each defendant by mailing notice of waiver of service of summons and appropriate paperwork to each defendant at The Roanoke City Sheriff's Office, P.O. Box 494 Roanoke, VA 24003. Service paperwork shall include the Amended Complaint (no. 10), first motion to amend (no. 13), second motion to amend (no. 15), this order, and the accompanying memorandum opinion. In their response to the Amended Complaint, **defendants SHALL** identify plaintiff's status in the Jail as of the alleged events' date, whether as a pretrial detainee or a convict.
- 10) The Clerk is directed to forward a copy of the plaintiff's signed consent to withholding form to the Trust Accounts Officer at plaintiff's current place of confinement.
- 11) The collection of the \$350.00 fee shall commence. The Trust Accounts Officer at plaintiff's current place of confinement, and at all subsequent places of confinement/incarceration, is hereby authorized to collect the fees as agreed to by the plaintiff on the signed consent form, and to remit such fees in accordance with the Prison Litigation Reform Act of 1995, as enacted by Congress on April 26, 1996. The trust officer at plaintiff's present institution is requested to place the signed consent to withholding form in the plaintiff's file so that it might accompany the inmate in the event of his transfer. Should the inmate be transferred to another institution, the balance due for the civil action will be inserted in inmate's file so that the appropriate officer at the next institution will remit the monies owed to the Clerk, P. O. Box 1234, Roanoke, VA 24006.
- 12) The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the plaintiff.

ENTER: This 20<sup>th</sup> day of April, 2010.

  
Senior United States District Judge

A TRUE COPY, TESTE:  
JOHN F. CORCORAN, CLERK  
BY:   
DEPUTY CLERK