

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

JEREMY SCOTT CARTER,)	Civil Action No. 7:10-cv-00342
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
GENE M. JOHNSON, <u>et al.</u>,)	By: Hon. Michael F. Urbanski
Defendants.)	United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby

ORDERED

that plaintiff's motion for summary judgment (ECF no. 118) is **DENIED**; defendants' motion for summary judgment (ECF no. 114) is **DENIED in part** as to the Eighth Amendment claims against defendants Mitchem, Horn, Davidson, J. Honaker, Looney, and Belcher for the events before and during the attack on March 9, 2009; defendants' motion for summary judgment (ECF no. 114) is **GRANTED in part** as to all other claims; all defendants except Mitchem, Horn, Davidson, J. Honaker, Looney, and Belcher are **TERMINATED** as parties; and the Clerk **SHALL** set this matter 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 defendants.

Entered: March 11, 2013

/s/ Michael F. Urbanski

Michael F. Urbanski
United States District Judge