

OCT 20 2011

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

JULIA C. MOLEY, CLERK
BY: *[Signature]*
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|--|---|------------------------------------|
| JAMIE PAUL DESPER, |) | CASE NO. 7:10CV00473 |
| |) | |
| Plaintiff, |) | |
| |) | FINAL ORDER |
| vs. |) | |
| |) | |
| SUPERINTENDENT JACK LEE, <u>ET AL.</u> , |) | By: Glen E. Conrad |
| |) | Chief United States District Judge |
| Defendant(s). |) | |

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

as follows:

1. Defendants' motions for summary judgment (ECF Nos. 39 and 48) are **GRANTED** as to the merits of plaintiff's Claim (1), alleging violations of his religious rights, but the motions are **DENIED** as to defendants' contention that they are entitled to summary judgment as to Claims (2) and (3), pursuant to 42 U.S.C. § 1997e(a);

2. Plaintiff's Claims (2) and (3), alleging denial of access to courts and unconstitutional jail conditions, are **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1915A(b)(1), for failure to state a claim;

3. Plaintiff's motions to compel additional discovery responses (ECF Nos. 68 & 70) are **DENIED**; and

4. This action is stricken from the active docket of the court.

ENTER: This 20th day of October, 2011.

[Signature: Glen E. Conrad]

Chief United States District Judge