

FILED
for Roanoke
AUG - 3 2012

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

DAVID ATKINS,)	CASE NO. 7:11CV00592
)	
Plaintiff,)	
)	
vs.)	FINAL ORDER
)	
)	
DONALD W. FARLEY, SHERIFF,)	By: Glen E. Conrad
<u>ET AL.</u> ,)	Chief United States District Judge
)	
Defendants.)	

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

as follows:

1. Plaintiff's motion for judgment as a matter of law and motion for judgment on the pleadings (DE 13 & 14), and other pending motions are **DENIED**;
2. Defendant Schwartz' motion for judgment on the pleadings (DE 6) is **GRANTED**;
3. The motion to dismiss by Defendants Farley, Shortell, Shank, and Sears (DE 3) is **GRANTED**; and
4. This action is stricken from the active docket of the court.

ENTER: This 3rd day of August, 2012.

[Signature: Glen E. Conrad]

Chief United States District Judge