

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

<b>PORFIRO BARNES,</b>	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. 7:12cv00067</b>
	)	
<b>v.</b>	)	<b><u>ORDER</u></b>
	)	
<b>S.K. YOUNG, et al.,</b>	)	<b>By: Norman K. Moon</b>
<b>Defendants.</b>	)	<b>United States District Judge</b>

In accordance with the memorandum opinion entered this day, it is hereby **ORDERED** that defendants' motion to dismiss (docket no. 24) is **GRANTED in part and DENIED in part**; the motion is granted as to Barnes's Americans with Disabilities Act and Rehabilitation Act claims against Dr. Hopkins; however, the motion is denied as to Barnes's retaliation claim against Nurse Osborne and Barnes's Eighth Amendment claims against Dr. Hopkins and Nurse Yates. In accordance with Standing Order No. 2011-18, defendants Osborne, Hopkins and Yates are **DIRECTED** to **FILE** a motion for summary judgment, supported by affidavits, addressing the merits of Barnes's retaliation and Eighth Amendment claims within thirty days of the entry of this order.

The Clerk of the Court is directed to send a copy of this order and accompanying memorandum opinion to the parties.

**ENTER:** This 18<sup>th</sup> day of March, 2013.

  
 \_\_\_\_\_  
 NORMAN K. MOON  
 UNITED STATES DISTRICT JUDGE