

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

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

DEC 28 2012

JULIA C. DUDLEY, CLERK
BY:  DEPUTY CLERK

ROBERT ALLEN BANE,

Plaintiff,

v.

VIRGINIA DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

Civil Action No.: 7:12-cv-159

ORDER

Hon. James C. Turk
Senior United States District Judge

This matter is before the Court on the Medical Defendants' Motion to Dismiss, ECF No. 19, and Security Defendants' Motion for Summary Judgment. ECF No. 26. For good cause shown, it is hereby

ADJUDGED AND ORDERED

as follows:

1. The Medical Defendants' Motion to Dismiss is GRANTED and the Security Defendants' Motion for Summary Judgment is GRANTED IN PART and DENIED IN PART, as stated in the Memorandum Opinion;

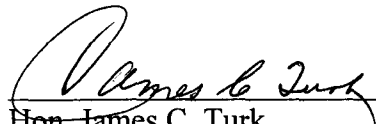
2. The Clerk is DIRECTED to terminate the following defendants as parties to this action: Dr. Cacioppo, Nurse S. Yates, Nurse A. Mitchell, and E. Nester.

3. The remaining defendants are DIRECTED to submit a Second Motion for Summary Judgment within 30 days from the entry of this order, addressing the remaining claims and concerns as detailed in the Memorandum Opinion; and

4. Bane is DIRECTED to respond to the Second Motion for Summary Judgment within 21 days after its filing, and defendants are DIRECTED to file any further reply within 14 days thereafter.

The Clerk of Court is directed to send copies of this order to counsel of record for Defendants and to the *pro se* Plaintiff.

ENTER: This 28th day of December, 2012.



Hon. James C. Turk
Senior United States District Judge