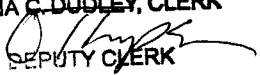


FEB 14 2013

JULIA C. DUDLEY, CLERK  
BY:   
DEPUTY CLERK

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

MICHAEL GEMAEHLICH,

Plaintiff,

v.

OCTAVIA L. JOHNSON *et al.*,

Defendants.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Civil Action No. 7:12cv00263

ORDER

By: Samuel G. Wilson  
United States District Judge

In accordance with the memorandum opinion entered on this day, it is hereby

**ORDERED** and **ADJUDGED** as follows:

(1) the court **DENIES** the defendants' motions to dismiss the plaintiff's § 1983 claims against deputies Kenneth Ferrell, Frank Porter, Jennifer Callahan, and Stephen Southerland in their individual capacities;

(2) the court **GRANTS** the defendants' motion to dismiss the plaintiff's § 1983 claim against Sheriff Octavia Johnson in her individual capacity;

(3) the court **GRANTS** the defendants' motions to dismiss the plaintiff's § 1983 claims against the defendants in their official capacities; and

(4) the court **GRANTS** the defendants' motions to dismiss the plaintiff's state-law assault and battery claims against each of the defendants.

**ENTER:** February 14, 2013.

  
UNITED STATES DISTRICT JUDGE