

FILED  
for Roanoke  
MAY 21 2013

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

JULIA C. DUDLEY, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

JACOB SHOUSE )

Plaintiff, )

v. )

DAVID BOHEM, et. al., )

Defendants )

Case No. 7:12cv-00479

ORDER

By: Hon. Jackson L. Kiser  
Senior United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

as follows:

- (1) Defendant Bohem and Davidson's motion for summary judgment (Docket No. 22) under 42 U.S.C. § 1997e(a) for failure to exhaust administrative remedies is **GRANTED in part and DENIED in part**, as follows: the motion is **DENIED** as to plaintiff's claim related to denial of adequate mental health treatment (claim 1) and **GRANTED** on claims 2, 3, 4 and 5, which claims are dismissed without prejudice.
- (2) Defendant Jones' motion to dismiss (Docket No. 23) is **GRANTED** on all plaintiff's claims.
- (3) Defendants Bohem and Davidson are granted leave to file an amended motion for summary judgment addressing the merits of plaintiff's remaining claim.

ENTER: this 21<sup>st</sup> day of May, 2013.

*Jackson L. Kiser*  
Senior United States District Judge