

AUG 05 2015

JULIA O. DUNN, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

MICHAEL FORMICA,)	CASE NO. 7:14CV00449
)	
Plaintiff,)	
v.)	ORDER
)	
)	
F. G. AYLOR, <u>ET AL.</u> ,)	By: Glen E. Conrad
)	Chief United States District Judge
Defendant(s).)	

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

as follows:

1. Defendants' motion to dismiss (ECF No. 25) is **GRANTED IN PART AND DENIED IN PART**: the motion is **DENIED** as to plaintiff's claims that defendants delayed or denied oral surgery care for two serious medical needs based on plaintiff's indigence, but the motion is **GRANTED** as to all other claims;
2. Defendants are **DIRECTED** to file an answer and any additional dispositive motion regarding plaintiff's remaining claims within 30 days from entry of this order; and
3. This matter is **REFERRED** to United States Magistrate Judge Joel C. Hoppe, pursuant to 28 U.S.C. § 636(b)(1)(B), for conduct of appropriate proceedings and for the submission of a report setting forth findings of fact, conclusions of law, and a recommended disposition.

ENTER: This 5th day of August, 2015.



Chief United States District Judge