

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

<b>TERRENCE A. HARVEY,</b>	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. 7:15cv00401</b>
	)	
<b>v.</b>	)	<b><u>ORDER</u></b>
	)	
<b>SGT T.D. LARGE, et al.,</b>	)	<b>By: Norman K. Moon</b>
<b>Defendants.</b>	)	<b>United States District Judge</b>

This matter is before me on Harvey's third and fourth motions to amend his 42 U.S.C. § 1983 complaint to add claims, facts in support of his original claims, and requests for relief. Inasmuch as the fourth motion encompasses the third motion, it is hereby **ORDERED** that Harvey's third motion to amend (Docket No. 44) is **DISMISSED as moot**. Finding it in the interest of justice to do so, Harvey's fourth motion to amend (Docket No. 53) is **GRANTED**; the Clerk shall **RE-DOCKET** Harvey's amended complaint (Docket No. 53, Attach. 1); and the amended complaint shall constitute the sole complaint.

Because the amended complaint may change the arguments presented in defendants' motions to dismiss and for summary judgment, it is further ordered that defendants' motions (Docket Nos. 34 and 55) are **DISMISSED without prejudice**. Pursuant to Standing Order No. 2013-6, the defendants shall **FILE** motions for summary judgment within thirty days of the entry of this order, addressing the amended complaint.

The Clerk shall send a copy of this Order to the parties.

ENTER: This 31st day of May, 2016.

  
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 NORMAN K. MOON  
 UNITED STATES DISTRICT JUDGE