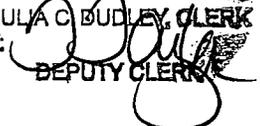


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

MAR 17 2017

JULIA C. BUDLEY, CLERK
BY: 
DEPUTY CLERK

KEVIN SNODGRASS,)
) CASE NO. 7:16CV00091
)
)
) Plaintiff,)
)
) v.) ORDER
)
)
) CHRISTOPHER GILBERT, ET AL.,)
) 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. Plaintiff's motion for reconsideration regarding his supplemental complaint (ECF No. 32) and his motion for partial summary judgment (ECF No. 30) are **DENIED**;
2. Defendants' motion for summary judgment (ECF No. 21) is **GRANTED IN PART AND DENIED IN PART**; the motion is **DENIED** as to plaintiff's claims under 28 U.S.C. § 1983 that the following defendants conspired to delay his progress through the step-down program in retaliation for his exercise of the right to access the courts: Raiford, Kegley, Washington, Adams, Barksdale, Hamilton, Swiney, Gilbert, Duncan, Stewart, Still, Ponton, and Gallihar; and the motion is **GRANTED** on the ground of qualified immunity as to all of plaintiff's other § 1983 claims against all defendants who joined in the motion;¹
3. Plaintiff's claims against the "Red Onion mailroom staff" are summarily **DISMISSED** without prejudice under 28 U.S.C. § 1915A(b)(1) as legally frivolous;
4. Plaintiff's claims under state law are **DISMISSED** without prejudice under 28 U.S.C. § 1367(c)(2), (3); and

¹ The clerk shall terminate the following defendants as parties to this lawsuit: Red Onion mailroom staff, J. Messer, S. Day, J. Fannin, M.L. Counts, C. Deel, F. Maples, C. Parr, B. Lewis, and H. Clarke.

5. This matter is hereby **REFERRED** to the Hon. Pamela Meade Sargent, United States Magistrate Judge for the Western District of Virginia, pursuant to 28 U.S.C. § 636(b)(1)(B), for appropriate court proceedings and preparation of a report setting forth appropriate findings of fact, conclusions of law, and a recommended disposition for the remaining claims.

ENTER: This 17th day of March, 2017.



Chief United States District Judge