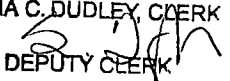


APR 26 2018

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

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

| | | |
|--------------------------------------|---|-------------------------------------|
| KEVIN SNODGRASS, JR., |) | CASE NO. 7:16CV00091 |
| |) | |
| Plaintiff, |) | |
| v. |) | JUDGMENT AND ORDER |
| |) | |
| CHRISTOPHER GILBERT, <u>ET AL.</u> , |) | By: Glen E. Conrad |
| |) | Senior United States District Judge |
| Defendants. |) | |

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

as follows:

1. After de novo review of the evidence and a de novo determination of those portions of the report or specified proposed findings or recommendations to which plaintiff has made specific objection, pursuant to 28 U.S.C. § 636(b)(1), plaintiff's objections are **OVERRULED**, and the report and recommendation (ECF No. 80) is **ADOPTED** in its entirety;
2. Based on the report and the additional findings and conclusions of the court in response to plaintiff's objections, **JUDGMENT** is entered for Defendants Gilbert, Kegley, Duncan, Raiford, Swiney, Adams, Barksdale, Hamilton, Washington, Still, Gallihar, Ponton, and Stewart, on plaintiff's claims that they conspired to retaliate against him for his litigation activities by delaying his progress in the step-down program;
3. Defendants' oral motion to dismiss in part (ECF No. 73) is **DISMISSED** as moot.
4. The order granting summary judgment (ECF No. 34) is **VACATED IN PART**, only as to plaintiff's claims that Defendants Gallihar, Gilbert, and Stewart delayed his progress

through the step-down program in retaliation for his exercise of his constitutional right to petition by filing informal complaints and grievances; and

5. As to the claims described in Paragraph 3, the motion for summary judgment (ECF No. 21) is **DENIED**;
6. This matter shall be and hereby is **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 further proceedings, including preparation of a report setting forth appropriate findings of fact, conclusions of law, and a recommended disposition for the remaining claims.

ENTER: This 36th day of April, 2018.



Senior United States District Judge