

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

ANTWON G. WHITTEN,)	
Plaintiff,)	Civil Action No. 7:16cv00195
)	
v.)	
)	
HAROLD CLARKE, <i>et al.</i> ,)	By: Elizabeth K. Dillon
Defendants.)	United States District Judge

ORDER

In accordance with the memorandum opinion entered this day, it is hereby ORDERED as follows:

1. Defendants' motion for summary judgment (Dkt. No. 49) is GRANTED in part as to Whitten's claims against defendants Clarke, Anderson, Fleming, Ravizee, and Elam; and the motion for summary judgment is DENIED in part as to Whitten's claims against defendants Gunter, Cooke, and Lawson.
2. Because none of the claims against Clarke, Anderson, Fleming, Ravizee, and Elam survive summary judgment, they are hereby TERMINATED as defendants.
3. Whitten has filed several motions to compel discovery in this case (Dkt. Nos. 36, 44, 46, 47, and 54). Even if he had been granted discovery previously, it would not have affected any of the claims that have been dismissed, particularly since they were dismissed on legal grounds rather than factual ones. In light of the court's ruling on the remaining claims, however, the court finds that discovery should be permitted, and Whitten shall be entitled to propound reasonable discovery requests to the remaining defendants regarding the remaining claims. Accordingly, Whitten's motions are GRANTED to the extent that he shall have twenty-one days

from the entry of this order to submit any discovery requests relevant to his remaining claims, and defendants shall have thirty days thereafter to file responses to those requests.

4. The Clerk is DIRECTED to SET this matter for a jury trial in the Big Stone Gap division.

5. The clerk shall provide a copy of this order and the memorandum opinion to all counsel of record and to Mr. Whitten.

Entered: September 11, 2017.

/s/ Elizabeth K. Dillon

Elizabeth K. Dillon
United States District Judge