

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

ERGUN M. CANER,

*Plaintiff,*

v.

JONATHAN AUTRY,

*Defendant.*

CASE No. 6:14-cv-00004

**ORDER**

JUDGE NORMAN K. MOON

This matter is before the Court on Defendant Jonathan Autry's Motion to Dismiss the Amended Complaint for Failure to State a Claim, or in the Alternative, for Summary Judgment ("Motion") (docket no. 28). For the reasons stated in the accompanying memorandum opinion, I have CONSIDERED Defendant's Motion (docket no. 28) as a Motion for summary judgment, and it is hereby ORDERED that the Motion is GRANTED. I DENY Defendant's Second Motion to Supplement the Record (docket no. 63), and I will not consider his motion for attorney's fees and costs at this time.

It is so ORDERED.

Entered this 14<sup>th</sup> day of May 2014.

  
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NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE