

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

KENNETH FOSTER-BEY, *et al.*,
on behalf of themselves and all others
similarly situated,

Plaintiffs,

vs.

JOHN S. RUBITSCHUN, *et al.*,
in their official capacities,

Defendants.

File No. 05-CV-71318-DT

Hon. Nancy G. Edmunds

U.S. Mag. Judge Virginia Morgan

Michigan Clinical Law Program
By: Paul D. Reingold (P-27594)
Attorneys for Plaintiffs
363 Legal Research Building
801 Monroe Street
Ann Arbor, MI 48109-1215
(734) 763-4319

Office of the Attorney General
By: Kevin Himebaugh (P-53374)
Attorneys for Defendants
Corrections Division
P.O. Box 30217
Lansing, MI 48909
(517) 335-7021

Consolidated Companion Case

ANTHONY LYNCH-BEY, *et al.*,
on behalf of themselves and all others
similarly situated,

Plaintiffs,

vs.

JOHN S. RUBITSCHUN, *et al.*,
in their official capacities,

Defendants.

Hon. Nancy G. Edmunds

[File No. 05-72378-DT]

U.S. Mag. Judge Virginia Morgan

**ORDER DISMISSING CLAIMS AGAINST THE DEFENDANTS
IN THEIR INDIVIDUAL CAPACITIES AND AMENDING THE CASE CAPTION**

The *Foster-Bey* plaintiffs and defendants having stipulated that because the plaintiffs seek only declaratory and injunctive relief, their claims are properly brought against the defendants only in their official capacities,

IT IS ORDERED that the plaintiffs' claims against the defendants in their individual capacities are dismissed, and that the case caption be amended accordingly.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: September 28, 2005

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 28, 2005, by electronic and/or ordinary mail.

s/Carol A. Hemeyer
Case Manager