

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Charles Edward Byrd,

Plaintiff,

vs.

Joseph M. Arpaio et al.,

Defendants.

No. CV 04-02701-PHX-NVW

ORDER

In response to the Court's order to show cause why summary judgment should not be granted for Defendant O'Connell as to punitive damages, Plaintiff has informed the Court that he "has no new fact or case to add other than what he set forth in his response to defendants' Motions in Limine." (Doc. 170 at 1.) The Court will therefore direct entry of summary judgment for O'Connell on punitive damages and direct entry of judgment on nominal damages.

If Plaintiff subsequently seeks attorney's fees in excess of \$150, Plaintiff shall address the PLRA's fee award cap, 42 U.S.C. § 1997e(d)(2); *see also Shepherd v. Goord*, ___ F.3d ___, 2011 WL 5528587 (2d Cir. Nov. 15, 2011).

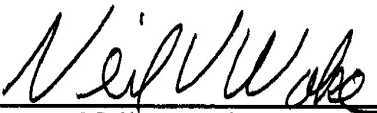
IT IS THEREFORE ORDERED that the Clerk shall enter judgment in favor of Plaintiff and against Defendants for nominal damages in the amount of \$100.

IT IS FURTHER ORDERED that summary judgment is GRANTED in favor of Defendants and against Plaintiff for any damages above \$100 in nominal damages, including without limitation economic, emotional, and punitive damages.

1 IT IS FURTHER ORDERED that Defendants' outstanding motions in limine
2 (Docs. 146, 149, 150) are DENIED as moot.

3 The Clerk shall terminate this action.

4 Dated this 21st day of November, 2011.

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8 Neil V. Wake
9 United States District Judge
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