

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

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|----------------------|---|------------------|
| DAVID LARRY NELSON, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. |
| |) | 2:03cv1008-MHT |
| RICHARD F. ALLEN and |) | |
| GRANTT CULLIVER, |) | |
| |) | |
| Defendants. |) | |

ORDER

The court being of the opinion that the decision of the United States Supreme Court in Baze v. Rees, cert. granted, 128 S. Ct. 34 (Sept. 25, 2007), and argued Jan. 7, 2008, could, at least, inform the final disposition of this case and the court being of the opinion that the briefs and any evidence should be considered in light of Baze, it is ORDERED that the motion for summary judgment (doc. no. 118) is denied with leave to renew within 30 days of the Baze decision.

DONE, this the 31st day of March, 2008.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE