

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

C.B., by and through his next friend, Charleston DePriest, et al.)	
)	
)	
Plaintiffs,)	
)	
v.)	CLASS ACTION
)	Civil Action No. 3:10cv663
WALNUT GROVE CORRECTIONAL AUTHORITY, et al.)	
)	
Defendants.)	
)	

Notice of Dismissal

Pursuant to Fed. R. Civ. P. Rule 41, the Plaintiffs file to dismiss without prejudice the following Defendants: The Walnut Grove Correctional Authority, The GEO Group, Inc., Health Assurance, LLC, Walter Tripp, in his official capacity as Warden of the Walnut Grove Youth Correctional Facility, Wesley Vinson, in his official capacity as Deputy Warden of the Walnut Grove Youth Correctional Facility, Dan Kern, in his official capacity as Deputy Warden of the Walnut Grove Youth Correctional Facility, K. Hogue, in her official capacity as Health Services Administrator for Walnut Grove Youth Correctional Facility. In support of this Notice, the Plaintiffs state as follows:

1. The Defendants listed above have not filed an answer or a motion for summary judgment in this action. Therefore, the Plaintiffs have the right to voluntarily dismiss these Defendants pursuant to Fed. R. Civ. P. Rule 41 (a).
2. The Plaintiffs dismiss the Defendants listed above in an effort to streamline this litigation and increase the chances of settlement. The State Defendants have the authority to provide

complete relief on Plaintiffs' claims. For several months, the Plaintiffs and the State Defendants have engaged in productive settlements talks and the Plaintiffs are hopeful that additional negotiations conducted solely between the Plaintiffs and the State Defendants will result in a comprehensive settlement of these claims.

3. In the event that the Plaintiffs re-instate the Defendants listed above at a later time or file a subsequent case against these Defendants, the Defendants have agreed to waive their right to seek all or part of the costs related to this action pursuant to Fed. R. Civ. P. 41 (d).

4. The Plaintiffs dismiss these claims against the Defendants listed above without prejudice.

5. This dismissal does not extend to Defendants Christopher Epps, in his official capacity as Commissioner of the Mississippi Department of Corrections or Dr. Tom Burnham, in his official capacity as Superintendent of the Mississippi State Department of Education.

The Plaintiffs therefore dismiss Defendants The Walnut Grove Correctional Authority, The GEO Group, Inc., Health Assurance, LLC, Walter Tripp, in his official capacity as Warden of the Walnut Grove Youth Correctional Facility, Wesley Vinson, in his official capacity as Deputy Warden of the Walnut Grove Youth Correctional Facility, Dan Kern, in his official capacity as Deputy Warden of the Walnut Grove Youth Correctional Facility, K. Hogue, in her official capacity as Health Services Administrator for Walnut Grove Youth Correctional Facility, from this matter without prejudice and subject to the agreement set forth in paragraph 3 of this Notice.

Respectfully submitted,

s/Sheila A. Bedi
Sheila A. Bedi, Miss. Bar No. 101652
The Southern Poverty Law Center
921 N. President Street, Suite B
Jackson, Mississippi 39202
601-948-8882 (phone)

601-948-8885 (fax)

Robert B. McDuff, Miss. Bar. No. 2532
767 North Congress Street
Jackson, Mississippi 39202
601-969-0802 (phone)
601-969-0804 (fax)

Margaret Winter (admitted *pro hac vice*)
The National Prison Project of the ACLU
Foundation, Inc.
915 15th Street, N.W., Seventh Floor
Washington, D.C. 20005
202-393-4930 (phone)
202-393-4931 (fax)
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically. Notice of this filing will be sent by email to all parties by the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

This 15th day of November, 2011.

s/ Sheila A. Bedi _____
Sheila A. Bedi, Miss. Bar No. 101652
The Southern Poverty Law Center
921 N. President Street, Suite B
Jackson, Mississippi 39202
601-948-8882 (phone)
601-948-8885 (fax)