

868 F.Supp. 237
Withdrawn for N.R.S. bound volume
United States District Court,
N.D. Indiana,
South Bend Division.

Kataza TAIFA, Paul Komyatti, William Sampley,
Mark S. Douglas, Aaron Isby, Kevin Sandifer,
James E. Shropshire, John Charles Cole, Jr.,
Preston Gardner, Edward Broadus, James
Thompson, Nolan McDandal, Robert Smith,
Robert Jenkins, Richard Mumford, Tillman
Morris, Michael Hegwood, Terrence Drain, Eric
Malone, Michael Holland, Albert Estep, and
Roosevelt Williams, Plaintiffs,

v.

Evan BAYH, in his individual and official capacity
as Governor of the State of Indiana, James E.
Aiken, in his individual and official capacity as
Commissioner of the Indiana Department of
Correction, Norman G. Owens, in his individual
and official capacity as Director of the
Classification Division of the Indiana Department
of Correction; John Nunn, in his individual and
official capacity as Deputy Commissioner of
Operations of the Department of Correction, and
Charles E. Wright, in his individual and official
capacity as Director of the Maximum Control
Complex of the Indiana Department of Correction,
Defendants.

No. 3:92cv0429AS. | Sept. 9, 1994.

Opinion

Editor's Note: The opinion of the United States District Court, N.D. Indiana, South Bend Division, in Taifa v. Bayh, published in the advance sheet at this citation, 868 F.Supp. 237-244, was withdrawn from the bound volume because the order was vacated December 22, 1994.

ORDER VACATING ORDER OF SEPTEMBER 9, 1994

The Plaintiffs and Defendants, by counsel, having jointly moved the Court to vacate its Order of September 9, 1994, regarding attorneys' fees and expenses herein, and the Court being duly advised, the Court now makes the following findings:

1. The Order of September 9, 1994, granted the Plaintiffs' Petition for Attorneys' Fees and Expenses filed on March 1, 1994.
2. Defendants moved to set aside the September 9 Order. The Court granted that motion but later reinstated the Order and referred Defendants' motion to set aside to Magistrate Judge Roger B. Cosby.
3. In a Report and Recommendation dated November 30, 1994, Magistrate Judge Cosby recommended that Defendants' motion to set aside the September 9 Order be granted and that the Order be vacated.
4. The parties report that, prior to the expiration of the time to object to the Report and Recommendation, they have now agreed to settle Plaintiffs' claims for fees and expenses set forth in their Petition, and that said Petition is withdrawn as moot.

IT IS THEREFORE ORDERED that the parties' Motion to Vacate is hereby GRANTED; the Court's Order of September 9, 1994, is hereby VACATED and declared a nullity and of no further force and effect; and the Report and Recommendation of Magistrate Judge Cosby is likewise VACATED as moot.