

2003 WL 21510816

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United States District Court,
N.D. Texas, Wichita Falls Division.

Roderick Keith JOHNSON, Plaintiff,
v.
Gary JOHNSON, et al., Defendants.

No. Civ.A. 7:02-CV-87-R. | June 9, 2003.

Opinion

**ORDER CERTIFYING ISSUE OF EXHAUSTION
OF ADMINISTRATIVE REMEDIES FOR
INTERLOCUTORY APPEAL**

FISH, J.

*1 Be it remembered that on this day came to be considered Defendants' motion to certify for interlocutory appeal pursuant to 28 U.S.C. § 1292(b) the issue of exhaustion of administrative remedies under 42 U.S.C. § 1997e as addressed in the Defendants' Partial Motion for Summary Judgment. After considering the motions of the parties and the arguments contained therein, the Court finds that the issue is a controlling question of law with a substantial ground for a difference of opinion and that an immediate appeal may speed the process of litigation. Therefore, the Court is of the opinion that the following order should issue:

It is hereby ORDERED that Defendants' Motion be GRANTED and this Court hereby certifies for interlocutory appeal pursuant to 28 U.S.C. § 1292(b) the issue of exhaustion of administrative remedies under 42 U.S.C. § 1997e.