

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

RODGER R. ANSTETT, et al.,

Civil No. 01-1619-BR

Plaintiff,

ORDER

v.

STATE OF OREGON, et al.,

Defendants.

BROWN, Judge.

The Parties' Stipulation and Joint Motion for Order of Partial Dismissal (#109) is GRANTED.

The following class claims are DISMISSED WITH PREJUDICE:

1. The Third (3rd) Claim for Relief alleging cruel and unusual punishment under Article I, Section 16 of the Oregon Constitution;

2. The Fourth (4th) Claim for Relief alleging unnecessary rigor under Article I, Section 13 of the Oregon Constitution;
3. The Seventh (7th) Claim for Relief alleging unnecessary rigor under Article I, Section 13 of the Oregon Constitution;
4. The Eighth (8th) Claim for Relief alleging that exhaustion of remedies is *per se* cruel and unusual punishment; and
5. The Eleventh (11th) Claim for Relief alleging denial of court access in violation of Article I, Sections 8 and 20 of the Oregon Constitution.

The following individual claims are also DISMISSED WITH PREJUDICE:

1. The Sixteenth (16th), Twenty-second (22nd), Twenty-eighth (28th); Thirty-fourth (34th); Fortieth (40th); Forty-sixth (46th); Fifty-second (52nd); Fifty-eighth (58th); Sixty-fourth (64th); Seventieth (70th); and Seventy-sixth (76th) Claims for Relief alleging cruel and unusual punishment in violation of Article I, Section 16 of the Oregon Constitution; and
2. The Seventeenth (17th); Twenty-third (23rd); Twenty-ninth (29th); Thirty-fifth (35th); Forty-first (41st); Forty-seventh (47th); Fifty-third (53rd); Fifty-ninth

(59th); Sixty-fifth (65th); Seventy-first (71st); and
Seventy-seventh (77th) Claims for Relief, alleging
common law medical negligence.

Plaintiff shall not be required to submit an Amended
Complaint reflecting this partial dismissal.

IT IS SO ORDERED.

DATED this 8th day of March, 2004.

/s/ Anna J. Brown

ANNA J. BROWN

United States District Judge