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In the Matter of the)	
Federal Bureau of Prisons' Execution)	
Protocol Cases,)	
)	
LEAD CASE: <i>Roane, et al. v. Barr</i>)	Case No. 19-mc-145 (TSC)
)	
THIS DOCUMENT RELATES TO:)	
)	
<i>ALL CASES</i>)	
)	

Before the court is Plaintiff Keith Nelson's Emergency Motion for Entry of Partial Final Judgment. (ECF No. 196.) Given the court's August 15, 2020 order (ECF No. 193; *see also* ECF Nos. 135, 136), dismissing Count II (Eighth Amendment) of the Amended Complaint as to all Plaintiffs except Norris Holder,¹ Nelson asks the court to enter judgment in his case as to Count II. Recognizing that the court's dismissal applies to all plaintiffs except Holder, the Defendants consent to the motion insofar as the court enters final judgment on Count II as to the remaining Plaintiffs. (*See* ECF No. 198.)

¹ Holder has epilepsy and is taking medication he alleges will “affect the way he metabolizes pentobarbital,” (ECF No. 186, Holder Suppl. Br. at 3). Therefore, his Eighth Amendment challenge to the execution protocol is unlike that of the remaining Plaintiffs.

In the absence of any objection and because the court finds there is no just reason to delay entry of judgment, *see* Fed. R. Civ. P. 54(b), by separate order the court will grant Nelson's motion, (ECF No. 196), except that the court will enter judgment as to the Eighth Amendment claims brought by all plaintiffs, excluding Holder.

Date: August 20, 2020

Tanya S. Chutkan
TANYA S. CHUTKAN
United States District Judge