

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
BIG STONE GAP DIVISION**

WILLIAM THORPE, *et al.*,

*Plaintiffs,*

v.

VIRGINIA DEPARTMENT OF  
CORRECTIONS, *et al.*,

*Defendants.*

Civil Case No. 2:20-cv-00007-JPJ-PMS

**PLAINTIFFS' AMENDED MOTION FOR PARTIAL SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56 and the Court's scheduling order at ECF No. 312, Plaintiffs William Thorpe, Frederick Hammer, Dmitry Khavkin, Gerald McNabb, Gary Wall, Vernon Brooks, Brian Cavitt, Derek Cornelison, Peter Mukuria, Steven Riddick, Kevin Snodgrass, and the members of the certified classes respectfully move this Court for an order granting Plaintiffs' Amended<sup>1</sup> Motion for Partial Summary Judgment on their Eighth Amendment cause of action, on their Due Process cause of action, and on Defendants' fundamental alteration and undue burden affirmative defenses. This Motion is based on the accompanying Amended Memorandum of Law in Support of Plaintiffs' Amended Motion for Partial Summary Judgment; on Plaintiffs' Amended Statement of Undisputed Material Facts and the exhibits and declarations submitted thereto; the complete files and records of this action, the argument of counsel; and such other material as may be presented by Plaintiffs.

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<sup>1</sup> Plaintiffs file this Amended Motion, Amended Memorandum of Law in Support of Plaintiffs' Amended Motion for Partial Summary Judgment, and Plaintiffs' Amended Statement of Undisputed Material Facts and accompanying material to correct certain citation errors in the original Motion. Plaintiffs also file contemporaneously herewith corrected versions of certain exhibits submitted to the Court by email on September 11, 2023.

Dated: September 11, 2023

Respectfully submitted,

/s/ Megan A. Crowley

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**Certificate of Service**

I hereby certify that on the 11th day of September, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all CM/ECF participants.

/s/ Megan A. Crowley