IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION

BRENT LAVON DAVIS,
ADC #149851 PLAINTIFF

v. No. 1:14-cv-46-DPM

MARCUS WILKERSON, Sergeant,
ADC, Scott Grimes Unit DEFENDANT

ORDER

1. Davis has one claim left: inadequate medical care by Sergeant Wilkerson, who has moved for summary judgment. The issue is clear. The Court therefore withdraws the reference to Magistrate Judge Ray and will decide the motion without a recommendation.

2. On 24 September 2013, Davis was in a segregation cell at the Arkansas Department of Correction. Around 1:00 p.m., he told Sergeant Wilkerson that he needed immediate medical attention for chest pains. Wilkerson didn't relay that information to the medical staff. Around 4:30 p.m, a nurse came to Davis's cell for rounds. He didn't renew his chest-pains complaint or show any signs of medical distress. The next day, Davis was seen twice by nurses on rounds and once by a doctor treating Davis's back pain. Again, Davis didn't mention chest pains or show any signs of cardiac

distress. These are the record facts, taken in the light most favorable to Davis where genuinely disputed. *Mann v. Yarnell*, 497 F.3d 822, 825 (8th Cir. 2007).

3. Davis argues that Wilkerson provided inadequate medical care by not getting Davis immediate medical attention. To receive a trial on that claim, Davis must produce verifying medical evidence showing that he was harmed by the delay. *Gibson v. Weber*, 433 F.3d 642, 646–47 (8th Cir. 2006); *Crowley v. Hedgepeth*, 109 F.3d 500, 502 (8th Cir. 1997). He hasn't. Instead, it is undisputed that Davis didn't report chest pains or show any signs of cardiac distress when medical personnel examined him four times within twenty-four hours after he first reported the chest pains to Wilkerson. Davis's constitutional claim against Wilkerson therefore fails for lack of evidence.

* * *

Wilkerson's motion for summary judgment, *№ 82*, is granted. Davis's claim against him will be dismissed with prejudice. An *in forma pauperis* appeal from this Order and accompanying Judgment will not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.

D.P. Marshall Jr.
United States District Judge

18 November 2015