

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

WILBERT LEZELL JOHNSON,  
ADC # 84494

PLAINTIFF

v. 1:14CV00107-JM-JJV

JAMES RUSSELL

DEFENDANT

**ORDER**

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe. No objections have been filed. After careful consideration, the Court concludes that the Proposed Findings and Partial Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS, THEREFORE, ORDERED that:

1. Defendant James Russell's Motion for Summary Judgment (Doc. No. 59) is GRANTED.
2. Plaintiff's excessive force claims against Defendant James Russell are DISMISSED without prejudice for failure to exhaust.
3. Any other pending motions are DENIED as moot.
4. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an in forma pauperis appeal from this Order would not be taken in good faith.

DATED this 31<sup>st</sup> day of August, 2015.

  
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JAMES M. MOODY, JR.  
UNITED STATES DISTRICT JUDGE