

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

RICHMOND BISHOP
ADC #650733

PLAINTIFF

v.

No. 1:15-cv-20-DPM

SISSY WILSON, Assistant Jail Administrator,
Independence County Jail; LYNN CROSLIN,
Sergeant, Independence County Jail; and
ZACK BAILEY, Baliff/Jailer, Independence
County Jail

DEFENDANTS

ORDER

1. The first recommendation mailed to Bishop was returned. *No 34*. But another copy was mailed to Bishop's updated address more than three weeks ago; and it hasn't been returned as undeliverable.

2. Unopposed recommendation, *No 32*, adopted. FED. R. CIV. P. 72(b) (1983 addition to advisory committee notes). As to Defendants Croslin and Bailey, this could have been a close case if Bishop had opposed the summary judgment motion and offered evidence creating a genuine dispute of material fact. *Compare Young v. Selk*, 508 F.3d 868, 871-74 (8th Cir. 2007). But he didn't. Croslin and Bailey both say they thought inmate Tate was posturing – that he was making an empty threat because he didn't want to share a cell. *No 31-3 at 2 & 31-4 at 2*. And Bishop hasn't offered any evidence showing that this

belief was so unreasonable as to be deliberately indifferent. Defendants' motion for summary judgment, No 29, is therefore granted. Bishop's failure-to-protect claim against the Defendants will be dismissed with prejudice.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

21 March 2016