

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

RICKIE GREEN  
ADC #117055

PLAINTIFF

v.

1:17CV00032-JLH-JJV

TONI BRADLEY,  
Warden, Grimes Unit; *et al.*

DEFENDANTS

**ORDER**

The Court has reviewed the Proposed Findings and Partial 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. The Clerk amend the docket to reflect the full names of Defendants Dexter Payne, Clinton Baker, John Alexander, Daniel Neitz, Adam Robertson, and Jeffrey Rizor.

2. Defendants' Motion for Summary Judgment (Doc. No. 21) is GRANTED IN PART and DENIED IN PART:

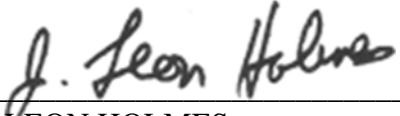
A. The Motion is GRANTED to the extent Plaintiff's excessive force claims against Defendants Neitz and Robertson and his failure to investigate claims against Defendants Bradley, Earl, Payne, and Culclager are dismissed for failure to exhaust administrative remedies.

B. The Motion is DENIED to the extent Plaintiff's excessive force claims against Defendants Whatley, Johnson, and Rizor are allowed to proceed.

3. Defendants Neitz, Robertson, Bradley, Earl, and Payne are DISMISSED from this action without prejudice.

4. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order adopting the recommendations would not be taken in good faith.

DATED this 17th day of October, 2017.

  
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J. LEON HOLMES  
UNITED STATES DISTRICT JUDGE