

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

ANGELA SHUNCEY RICHARDSON
ADC #712575

PLAINTIFF

v.

No. 1:18-cv-32-DPM-PSH

WENDY KELLEY, Chief Director,
Arkansas State Prison, *et al.*

DEFENDANTS

ORDER

1. The Court adopts the unopposed 18 March 2019 recommendation, *No* 38. Richardson's motion for a temporary restraining order, *No* 37, is denied.

2. On *de novo* review, the Court adopts Magistrate Judge Harris's thorough 14 February 2019 recommendation, *No* 31. FED. R. CIV. P. 72(b)(3). Richardson's initial objections, *No* 34–36, and edited objections, *No* 42, argue the merits of her claims, reargue points already addressed in the recommendation, rely on additional grievances that were rejected for valid procedural reasons, or rely on grievances that did not state an equal protection claim. Those objections are therefore overruled.

In her supplemental objection, *No* 41, Richardson asks the Court to consider another grievance that she believes exhausts her claims against Long. The grievance relates to an incident that occurred in

October 2017, which predates the claim pleaded in Richardson's complaint. *No 2 at 20*. In any event, the grievance doesn't have an assigned number, a response at Step Two, or any paperwork showing that it was appealed to the Deputy Director. The unnumbered grievance isn't among the 103 director's decisions identified by the Grievance Coordinator, either. On this record, the Court can't conclude that Richardson exhausted this grievance. It therefore fails to exhaust any additional claims against Long.

3. Richardson may proceed with the claims outlined in the 14 February 2019 recommendation, *No 31 at 24-25*. All her other claims are dismissed without prejudice for failure to exhaust or failure to state an equal protection claim; and Defendants Kelley, Payne, Johnson, Robinson, and Golden are dismissed without prejudice.

4. Going forward, Richardson should submit all her objections in one filing.

So Ordered.

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

6 May 2019