

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

**ERCIL K. GATES  
ADC #143759**

**PLAINTIFF**

**v. Case No. 2:10-cv-77-DPM-JTR**

**TOM BALL, CHARLENE BOGAN,  
LORETHA A. BELL, MARCUS SACKVILLE,  
JAMES BELL, and JANICE BUFORD**

**DEFENDANTS**

**ORDER**

The Court has considered Magistrate Judge J. Thomas Ray's Proposed Findings and Recommended Partial Disposition, *Document No. 110*. No one has objected. Having reviewed the proposal for clear errors of fact on the face of the record, FED. R. CIV. P. 72(b) (advisory committee notes to 1983 addition), and for legal error, the Court adopts the excellent proposal as its own. Motion for summary judgment by Tom Ball, Charlene Bogan, Loretha A. Bell, Marcus Sackville, James Bell, and Janice Buford, *Document No. 91*, is granted in part and denied in part.

Gates's claims against Defendants Ball, Sackville, and Buford are dismissed without prejudice for failure to properly exhaust administrative

remedies as to them. Gates's claims for monetary damages against Defendants Bogan, Loretha Bell, and James Bell in their official capacities are dismissed with prejudice.

Gates may proceed with (1) his claims for monetary damages against Defendants Bogan, Loretha Bell, and James Bell in their individual capacities, and (2) his claims for injunctive and declaratory relief against Defendants Bogan, Loretha Bell, and James Bell in their official capacities.

So Ordered.

*D.P. Marshall Jr.*

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D.P. Marshall Jr.  
United States District Judge

14 July 2011