

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

DONALD WINNETT
ADC #139544

PLAINTIFF

V.

NO: 2:10CV00106 DPM/HDY

DANNY BURL *et al.*

DEFENDANTS

ORDER

On August 3, 2011, the undersigned recommended that Defendants' motions for summary judgment be granted, and Plaintiff's complaint be dismissed due to his failure to exhaust his administrative remedies with respect to the claims at issue in this lawsuit. On October 12, 2011, United States District Judge D.P. Marshall Jr., adopted the recommendation in part, but remanded for further consideration of the motion for summary judgment filed by Defendants Geraldine Campbell, Chiquita Davis, Marybeth Floyd, Walter Holloway, and Crystal Sims. Specifically, Judge Marshall requested further development of the record regarding grievance EA-10-975, and whether it was exhausted, or development of the merits of the issues raised in the grievance.

Accordingly, Defendants Campbell, Davis, Floyd, Holloway, and Sims, are directed to submit, no later than 14 days after the entry of this order, a supplement to their motion for summary judgment which articulates their position as to whether Plaintiff exhausted EA-10-975 before he filed this lawsuit, or as to the merits of Plaintiff's claims which have been exhausted. Plaintiff is directed to file his response to Defendants' supplement no later than 14 days after Defendants' filing.

IT IS SO ORDERED this 14 day of October, 2011.



UNITED STATES MAGISTRATE JUDGE