

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

JERRY CHAMPION,  
ADC #91354

PLAINTIFF

V.

2:11CV0051 JMM/JTR

DANNY BURL, Warden,  
East Arkansas Regional Unit, ADC, et al.

DEFENDANTS

**ORDER**

The Court has reviewed the Proposed Findings and Recommended Partial Disposition submitted by United States Magistrate Judge J. Thomas Ray and the filed objections. After carefully considering these documents and making a *de novo* review of the record in this case, the Court concludes that the Proposed Findings and Recommended Partial 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. Defendants' Motion for Partial Summary Judgment (docket entry #49) is GRANTED.

2. Defendants Ball and Burl are DISMISSED, WITHOUT PREJUDICE, because Plaintiff failed to timely and properly exhaust his administrative remedies

against them.

3. The inadequate medical care claim Plaintiff has raised against Defendant Akin, in her official capacity, is **DISMISSED, WITH PREJUDICE**.

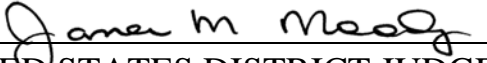
4. Plaintiff may **PROCEED** with his inadequate medical care claim against Defendant Akin, in her individual capacity, for monetary damages only.

5. Plaintiff's Motion for Summary Judgment (docket entry #58) is **DENIED**.

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

7. Defendants have **thirty days from the entry of this Order** to file any further dispositive motions.

Dated this   10   day of  February , 2012.

  
UNITED STATES DISTRICT JUDGE