

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

CHARLES J. ROBINSON/JESUS,  
ADC #086829

PLAINTIFF

2:11-cv-00164-SWW-JTK

JEREMY ANDREWS, et al.

DEFENDANTS

**ORDER**

The Court has received proposed findings and recommendations from United States Magistrate Judge Jerome T. Kearney. After a review of those proposed findings and recommendations, and the timely objections received thereto, as well as a de novo review of the record, the Court adopts them in their entirety. Accordingly,

IT IS, THEREFORE, ORDERED that:

- 1) Defendants' Motion for Summary Judgment (Doc. No. 28) is GRANTED in part;
- 2) Plaintiff's Eighth Amendment allegations against Defendants Bray, Burl, Eatmon, Hobbs, May, and Wheeler are DISMISSED without prejudice, for failure to exhaust;
- 3) Defendants' Motion for Summary Judgment (Doc. No. 28) is DENIED, with respect to Plaintiff's Eighth Amendment allegations against Defendant Andrews;
- 4) Defendants' Motion for Summary Judgment (Doc. No. 31) is GRANTED in part;
- 5) Plaintiff's First and Fourteenth Amendment and RLUIPA claims against Defendants May and Wheeler are DISMISSED without prejudice for failure to exhaust.
- 6) Defendants' Motion for Summary Judgment (Doc. No. 31) is DENIED, with respect to Plaintiff's First and Fourteenth Amendment and RLUIPA claims against Defendants Burl and Bray;
- 7) Defendants Eatmon, Hobbs, May, and Wheeler are DISMISSED from this action, without prejudice.

8) Defendants' Motion to Sever (Doc. No. 27) is DENIED without prejudice.

IT IS SO ORDERED this 17<sup>th</sup> day of September, 2012.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE