

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

**MARCUS D. EVANS  
ADC #109369**

**PLAINTIFF**

**v.**

**No. 2:11-cv-235-DPM-JTR**

**SHANTA HARDY; AVERY COX;  
BRIAN BARDEN; DAVID RICHARDSON;  
KENNETH CARLOCK; DERRICK MULLINS;  
SHIRELY MCDANIELS; FARON CLEMMONS;  
MOSES JACKSON, III; and JANICE GRAY**

**DEFENDANTS**

**ORDER**

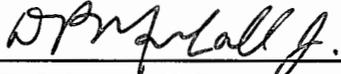
Separate defendant Janice Gray has moved for summary judgment, explaining that discovery showed she is not the "J. Gray" named in the complaint. *Document No. 72*. Instead Joann Gray, who is no longer an ADC employee, is the proper defendant. Janice Gray asks that she be dismissed from this lawsuit and that Joann Gray be added as a defendant. Evans filed a response conditionally objecting to the motion. *Document No. 82*. He says his copy of the supporting brief did not contain an exhibit that would allow him to verify the correct defendant, but that he trusts the Court to determine the matter. *Document No. 82, at 2*. That exhibit, *Document No. 74-1*, is a payroll document. It shows that Joann Gray, not Janice Gray, was on duty at 9 p.m.

on 1 June 2009. Janice Gray is therefore dismissed as a defendant. Because Janice Gray is being dismissed, Evans's motion to compel her to answer his 28 June 2012 discovery requests is moot.

\* \* \*

The motion for summary judgment, *Document No. 72*, is granted. Defendant Janice Gray is dismissed without prejudice; and Joann Gray is added as a defendant. Defendants have seven days from the entry of this order to file Joann Gray's last known private mailing address **under seal**. Evans's motion to compel, *Document No. 75*, is denied as moot.

So Ordered.

  
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D.P. Marshall Jr.  
United States District Judge

17 October 2012