

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

**DEVERICK SCOTT
ADC #131042**

PLAINTIFF

v.

No. 2:12-cv-229-DPM-JTR

**DANNY BURL, Warden, East Arkansas
Regional Unit, ADC; DEXTER PAYNE,
Assistant Warden, East Arkansas Regional
Unit, ADC; TODD BALL, Assistant
Warden, East Arkansas Regional Unit, ADC;
TYRONE WASHINGTON, Lieutenant, East
Arkansas Regional Unit, ADC; ROOSEVELT
BARDEN, Officer, East Arkansas Regional
Unit, ADC; JANICE BOGAN-HALL, Officer,
East Arkansas Regional Unit, ADC; TIFFANY
SPARKMAN, Officer, East Arkansas Regional
Unit, ADC; ZONNIE BURNELL, Nurse, East
Arkansas Regional Unit, ADC; STORMI
SHERMAN, Nurse; GERALDINE CAMPBELL,
Nurse, East Arkansas Regional Unit, ADC;
CORIZON INC.; WENDY KELLEY, Assistant
Director, ADC; and DEBRA HORTON,
Medical Grievance Officer, East Arkansas
Regional Unit, ADC**

DEFENDANTS

ORDER

1. Objections, *No 157*, overruled and opposed recommendation, *No 156*, adopted. FED. R. CIV. P. 72(b)(3).
2. The ADC Defendants' motion for summary judgment, *No 131*, is granted in part and denied in part. Scott may proceed with his excessive-

force claim against Washington, in his individual capacity, and with his failure-to-protect claim against Barden, Bogan-hall and Sparkman, in their individual capacities. All claims against Defendants Burl, Ball, Payne and Kelly are dismissed with prejudice. All claims against ADC Defendants in their official capacities are dismissed with prejudice.

3. The Medical Defendants' motion for summary judgment, *No 134*, is granted. All claims against Defendants Burnell, Sherman, Campbell, Horton, and Corizon are dismissed with prejudice.

4. Scott's motion for summary judgment, *No 119*, is denied without prejudice. There are issues of fact for trial.

5. A Final Scheduling Order with trial date will issue. The Court requests that Magistrate Judge Ray appoint counsel to try the case for Scott. Discovery and dispositive motion practice is concluded. The Court appreciates Judge Ray continuing to handle matters until about a month before trial.

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Motion , *No 131*, granted in part and denied in part. Motion, *No 134*, granted. Motion, *No 119*, denied. An *in forma pauperis* appeal from this Order

would not be taken in good faith.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United State District Judge

4 September 2014