

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

DEVERICK SCOTT
ADC #131042

PLAINTIFF

v.

No. 2:12-cv-229-DPM

RAY HOBBS, Director, Arkansas Department of Correction; 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; CHARLOTTE GARDNER, Grievance Officer, East Arkansas Regional Unit, ADC; CORIZON, INC.; WENDY KELLEY, Assistant Director, ADC; DEBRA HORTON, Medical Grievance Officer, East Arkansas Regional Unit, ADC; and ARKANSAS DEPARTMENT OF CORRECTION

DEFENDANTS

AMENDED JUDGMENT

1. Before trial, the Court dismissed many of Deverick Scott's claims against various defendants. His claim against Charlotte Gardner was dismissed without prejudice. No. 92. His claim against the Arkansas

Department of Correction was dismissed with prejudice; and his claim against Ray Hobbs was dismissed without prejudice. *No. 6*. The Court dismissed Charlene Bogan Montague as a defendant without prejudice. *No. 49*. The Court also dismissed all claims against Danny Burl, Dexter Payne, Todd Ball, Zonnie Burnell, Stormi Sherman, Geraldine Campbell, Corizon, Inc., Wendy Kelley, and Debra Horton with prejudice. *No. 158*.

2. On 16 September 2015, the Court held a bench trial on Scott's remaining claims. For the reasons stated at the end of the trial, the Court decided these claims as follows. The Court found in favor of Janice Bogan-Hall and Tiffany Sparkman on Scott's failure-to-protect claims against them. Scott's claims against these two defendants are therefore dismissed with prejudice. The two remaining defendants, Tyrone Washington and Roosevelt Barden, are not entitled to qualified immunity. The Court found in favor of Scott on his failure-to-protect claim against Barden and awarded compensatory damages of \$250.00. The Court also found in favor of Scott on his excessive-force claim against Washington and awarded compensatory damages of \$500.00. Scott is not entitled to declaratory relief. The evidence did not warrant any punitive damages.

3. The Court enters judgment for Bogan-Hall and Sparkman on Scott's claims against them. The Court enters judgment for Deverick Scott against Roosevelt Barden for \$250.00, for Scott against Tyrone Washington for \$500.00, and for Scott against Barden and Washington, jointly and severally, for a total attorney's fee of \$1,125.00. One dollar of the damages awarded against each of them shall be applied to satisfy Scott's attorney's fees. Post-judgment interest will accrue at 0.39% per annum from 18 September 2015 (the date of the original Judgment) until this Judgment is paid. 28 U.S.C. § 1961(a)-(b).

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

22 October 2015
