

**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;
CHARLOTTE GARDNER, Grievance Officer,
East Arkansas Regional Unit, ADC; CORIZON
INC.; WENDY KELLEY, Assistant Director, ADC;
and DEBRA HORTON, Medical Grievance Officer,
East Arkansas Regional Unit, ADC**

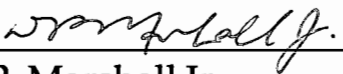
DEFENDANTS

ORDER

The Court has considered Magistrate Judge J. Thomas Ray's Proposed Findings and Partial Recommended Disposition, No 91. Scott has not objected. On review for clear error of fact on the face of the record and legal error,

FED. R. CIV. P. 72(b)(3) (1983 Addition to Advisory Committee Note), the Court adopts Judge Ray's recommendation as its own. Defendants' motion for summary judgment, *No* 73, is granted in part and denied in part. Scott's claim against Charlotte Gardner is dismissed without prejudice for failure to properly exhaust his administrative remedies. 42 U.S.C. § 1997e(a). All Scott's claims against the other Defendants remain. An *in forma pauperis* appeal from this Order would not be taken in good faith.

So Ordered.



D.P. Marshall Jr.
United State District Judge



1 October 2013