

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

CHARLES A. WINSTON,  
ADC #84733

PLAINTIFF

v.

No. 2:12CV00237-JLH-JTK

DEXTER PAYNE, et al.

DEFENDANTS

**ORDER**

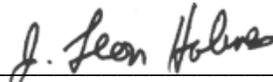
The Court has received proposed findings and recommendations from United States Magistrate Judge Jerome T. Kearney. There have been no objections. After a review of those proposed findings and recommendations, the Court adopts them in their entirety. Accordingly,

IT IS, THEREFORE, ORDERED that:

1. Defendants' motions for summary judgment (Documents #37, #40) are GRANTED.
- 2) Plaintiff's allegations against defendant Branscomb are dismissed without prejudice.
- 3) Plaintiff's allegations against defendants Payne, Westbrook, Wiggins, Gay, and Etherly are dismissed with prejudice.
- 4) The Court certifies that an *in forma pauperis* appeal would not be taken in good faith.

An appropriate Judgment shall accompany this Order.

IT IS SO ORDERED this 2nd day of May, 2014.



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J. LEON HOLMES  
UNITED STATES DISTRICT JUDGE