

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

MARVIN COBB
Reg #09419-076

PLAINTIFF

v.

No. 2:13-cv-115-DPM

T. C. OUTLAW, Warden, Forrest City Complex;
RONALD SMITH, Safety Manager, FCC Forrest City;
and A. HAYNES, Warden, FCC Forrest City

DEFENDANTS

ORDER

Considering all evidence of record in a light most favorable to Cobb, the Court grants the motion for summary judgment. Cobb hasn't demonstrated a genuine issue of material fact about whether any of the Defendants were deliberately indifferent to his health and safety. *Farmer v. Brennan*, 511 U.S. 825, 834 (1994). Smith took several steps to remedy the mold problems: sending staff to mold remediation training, repairing leaking pipes, washing walls with bleach and water, removing and replacing infested sheetrock, repainting walls with mold-resistant paint, and adjusting air ducts to improve air flow. *No. 35-2*; *May v. United States*, 501 Fed. Appx. 597 (8th Cir. 2013); *Amerson v. Outlaw*, 2013 WL 656478, at *7 (E.D. Ark. Jan. 29, 2013). Smith, moreover, as well as Outlaw and Haynes, retired before the dates Cobb

mentions in his new evidentiary materials. *No 35-1 at 2; No 29; No 38; & No 41.* Perhaps most importantly, Cobb hasn't provided any medical evidence linking his ailments to any current black mold exposure. Some new mold problems were discovered in the summer of 2014. But Cobb has no claim about them against these defendants, as Cobb acknowledges. *No 44 at 5.* Rather than ignoring the situation, Prison officials seem to be addressing it. *No 36 at ¶¶ 12-15 & No 35-3 at ¶¶ 7-8.* Defendants are therefore entitled to judgment as a matter of law. *Schoelch v. Mitchell*, 625 F.3d 1041, 1046 (8th Cir. 2010). Motion, *No 34*, granted.

So Ordered.



D. P. Marshall Jr.
United States District Judge
29 December 2014