

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

**LOREN W. MAY, SR.,
Reg. #17748-045**

PLAINTIFF

V.

Case No. 2:13-cv-00127 KGB/JTR

**A. HAYNES
Warden, FCI-FC, et al.**

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Partial Recommended Disposition (“Partial Recommendation”) (Dkt. No. 44) and the Proposed Findings and Recommended Disposition (“Recommendation”) (Dkt. No. 45) submitted by United States Magistrate Judge Thomas J. Ray. Plaintiff Loren W. May, Sr., has filed a “notice of appeal” (Dkt. No. 46). Because Mr. May made this filing before the Court entered this Order and the corresponding Judgment, the Court construes the filing as Mr. May’s objections to the Partial Recommendation and Recommendation. After carefully considering the objections and making a *de novo* review of the record, the Court concludes that the Partial Recommendation and Recommendation should be, and hereby are, approved and adopted in their entirety as this Court’s findings in all respects.

It is therefore ordered that:

1. The “Doe Defendants” are dismissed from this action without prejudice.
2. Defendants’ motion to dismiss, and, alternatively, motion for summary judgment is granted (Dkt. No. 29). Defendants are granted summary judgment on the issue of exhaustion.
3. Mr. May’s claims against defendants A. Haynes, Ron Smith, Graham, and Hay are dismissed without prejudice due to a lack of exhaustion.
4. Mr. May’s motion to supplement the record is denied as moot (Dkt. No. 42).

5. To the extent that Mr. May wishes to appeal this Order and the corresponding Judgment, Mr. May must now file a new notice of appeal. Mr. May's prior filing, titled "notice of appeal," has no effect because it was premature. *FutureFuel Chem. Co. v. Lonza, Inc.*, 756 F.3d 641, 648 (8th Cir. 2014).

6. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order would not be taken in good faith.

SO ORDERED this 31st day of October, 2014.



KRISTINE G. BAKER
UNITED STATES DISTRICT JUDGE