

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

**JOSE ARTEAGA RODRIGUEZ,
Reg. #11782-179**

PLAINTIFF

V.

Case No. 2:13-cv-00168 KGB/JTR

**ANTHONY HAYNES, Warden,
Forrest City Correctional Complex; and
DOES, Forrest City Health Service Employees
and Servants, 1-100**

DEFENDANTS

ORDER

The Court has reviewed the Recommended Partial Disposition submitted by United States Magistrate Judge J. Thomas Ray (Dkt. No. 29) and the filed objections (Dkt. No. 31). After carefully considering these documents and making a *de novo* review of the record in this case, the Court concludes that the Recommended Partial Disposition should be, and hereby is, approved and adopted in its entirety as this Court's findings in all respects. The Court notes that, although plaintiff Jose Arteaga Rodriguez claims he exhausted all the administrative remedies available to him, he provides no evidence that he appropriately and timely appealed the Regional Director's decision, which is the final required step of the Federal Correctional Institution located in Forrest City, Arkansas, and thus a requirement for exhaustion.

It is therefore ordered that:

1. Defendant Anthony Haynes's motion to dismiss, or in the alternative, motion for summary judgment is granted (Dkt. No. 15), and the claims raised against him are dismissed without prejudice.

2. It is certified, 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 27th day of April, 2015.



KRISTINE G. BAKER
UNITED STATES DISTRICT JUDGE