

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

JAMES RANDALL DYKES

PLAINTIFF

v.

CASE NO: 2:14CV00107 BSM

CORIZON, LLC, et al.

DEFENDANTS

ORDER

The partial recommended disposition (“PRD”) submitted by United States Magistrate Judge Patricia S. Harris has been reviewed, along with defendants’ objection [Doc. No. 57], plaintiff’s response [Doc. No. 58], and defendants’ reply [Doc. No. 59]. After careful consideration of these documents and a *de novo* review of the record, the PRD is hereby adopted with the following two minor clarifications. First, the PRD recommends that Dykes’s claims against Obi arising after November 7, 2012, be dismissed without prejudice, which means that Dykes may pursue his claims against Obi based on Obi’s actions during their August 15, 2012, and October 5, 2012, encounters. Second, all claims against Corizon are dismissed without prejudice based on failure to exhaust administrative remedies, so Dykes’s constitutional claim and state law medical malpractice claim may be asserted only against Obi.

IT IS THEREFORE ORDERED THAT:

1. The motion for partial summary judgment filed by Corizon and Obi [Doc. No. 45] is granted in part and denied in part.

2. Dykes's claims against Corizon are dismissed without prejudice for failure to exhaust administrative remedies.

3. Dykes's claims against Obi arising after November 7, 2012 are dismissed without prejudice for failure to exhaust administrative remedies.

4. Obi's motion to dismiss Dykes's state medical malpractice claim as a matter of law is denied.

IT IS SO ORDERED this 27th day of May 2016.


UNITED STATES DISTRICT JUDGE