

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

BRIAN M. CLAY, ADC #119898

PLAINTIFF

v.

NO. 2:16CV00027 JLH/BD

BRETT BUTLER

DEFENDANT

ORDER

Brett Butler filed a motion for summary judgment on March 16, 2017. On March 27, 2017, United States Magistrate Judge Beth Deere directed Brian M. Clay to file a response within fourteen days. On April 13, 2017, Judge Deere entered a recommended disposition in which she recommended that Butler's motion for summary judgment be granted and Clay's claims be dismissed with prejudice. On April 17, 2017, the Court received a motion for extension of time to file a response to the motion for summary judgment from Clay, which was referred to Judge Deere, who then granted it. Clay has now filed his response to the motion for summary judgment and a statement of disputed facts (Documents #31 and #32). The Court has reviewed the record *de novo*, including Clay's response to the motion for summary judgment and his statement of facts. The Court hereby adopts the recommended disposition in its entirety as the findings and disposition of the Court.

Clay has failed to present any evidence to show that Butler was deliberately indifferent to his serious medical needs. The argument he makes essentially is an argument that Butler was negligent, which is insufficient to state a claim under 42 U.S.C. § 1983.

Brett Butler's motion for summary judgment is GRANTED. Document #23. Brian M. Clay's complaint is DISMISSED with prejudice. The Court certifies that an *in forma pauperis* appeal from this Order and the accompanying Judgment would not be taken in good faith.

IT IS SO ORDERED this 17th day of May, 2017.

A handwritten signature in black ink that reads "J. Leon Holmes". The signature is written in a cursive style with a horizontal line extending from the end of the name.

J. LEON HOLMES
UNITED STATES DISTRICT JUDGE