

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

**AVERY WAYNE JOHNSTON
ADC #150809**

PLAINTIFF

v.

CASE NO. 2:17-CV-00060 BSM

J. CHANEY, et al.

DEFENDANTS

ORDER

The recommended disposition submitted by United States Magistrate Judge Beth Deere [Doc. No. 59] and plaintiff Avery Johnston's objections [Doc. No. 62] have been reviewed. After *de novo* review of the record, the recommended disposition is adopted in its entirety. Accordingly, defendants' motion for summary judgment [Doc. No. 37] is denied based on the arguments presented in their motion. Nevertheless, Johnston's claims against defendants are dismissed, without prejudice, for Johnston's failure to exhaust administrative remedies.

IT IS SO ORDERED this 28th day of November 2017.



UNITED STATES DISTRICT JUDGE

