

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

CARL TATE

PLAINTIFF

v.

No. 2:17-cv-95-DPM-BD

WENDY KELLEY, Director, Arkansas  
Department of Correction; VALLORIE  
WESTBROOK, Classification Officer,  
EARU; STEIVES, Doctor and Medical  
Director, Correct Care Services;  
CAMPBELL, Doctor, EARU; McVAY,  
LPN, EARU; and RORY GRIFFIN,  
Doctor, Correct Care Solutions

DEFENDANTS

ORDER

Unopposed recommendation, *No* 36, adopted. FED. R. CIV. P. 72(b) (1983 addition to advisory committee notes). Kelley and Westbrook's motion for summary judgment, *No* 21, is granted. Tate did not properly name either defendant in the ADC grievance process. *No* 21-1. Therefore his claims against Kelley and Westbrook are dismissed without prejudice for failure to exhaust. An *in forma pauperis* appeal from this Order would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.

*D.P. Marshall Jr.*

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D.P. Marshall Jr.  
United States District Judge

*4 December 2017*