

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

**SANDRA K. WARD  
A/K/A SANDRA K. NOLEN**

**PLAINTIFF**

**V.**

**NO: 3:09CV00041 BSM**

**CRAIGHEAD COUNTY JAIL *et al.***

**DEFENDANTS**

**ORDER**

The court has received the recommended disposition submitted by United States Magistrate Judge H. David Young and the objections filed by plaintiff Sandra K. Ward. After carefully considering the recommended disposition and the objections, and reviewing the record *de novo*, it is concluded that the recommended disposition should be, and hereby is, approved and adopted.

The recommended disposition is adopted because Ward cannot show that (1) she was “incarcerated under conditions posing a substantial risk of serious harm” and (2) the defendants were deliberately indifferent to that substantial risk of serious harm. *Farmer v. Brennan*, 511 U.S. 825, 834 (1994). This determination, however, is in no way based on Ward’s failure to alert the guards that she would be in physical danger if transported in an elevator with male inmates. Defendants had, or should have had, knowledge of the physical risk to Ward and therefore Ward was not required to tell them of that risk. It is without question that female detainees face the threat of physical molestation from male inmates and that defendants should have known of the threat. All one has to do is accompany a woman into a male cell block. The wretched acts of male inmates will immediately place one on

notice that any woman would be in danger if placed in close proximity to the male inmates.

The recommended disposition is adopted, however, because the record indicates that not only were the guards aware of the risk to Ward for the above reasons, but they also took steps to relieve the risk. Indeed, the male inmates in the elevator were bound and an armed guard was present and positioned appropriately to prevent injury to Ward. Additionally, Ward's exposure to the male inmates was brief. Therefore, Ward was not incarcerated under conditions posing a substantial risk of serious harm.

For these reasons, Ward's complaint is DISMISSED with prejudice. Any *in forma pauperis* appeal taken from the order and judgment dismissing this action is certified and considered frivolous and not in good faith.

IT IS SO ORDERED this 14th day of April, 2010.

  
UNITED STATES DISTRICT JUDGE