

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

**HERMAN H. LEFORS, JR.,
ODOC #112524**

PLAINTIFF

v.

Case No. 3:14-cv-00138-KGB-JJV

DAN LANGSTON, et al.

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommendations submitted by United States Magistrate Judge Joe J. Volpe (Dkt. No. 174). No objections have been filed. After careful consideration, the Court concludes that the Proposed Findings and Recommendations should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

It is therefore ordered that:

1. Defendants' motion for summary judgment is granted in part and denied in part (Dkt. No. 158). Defendants Dan Langston, John Calley, Ray Brandon, Chad Brandon, T. J. Underwood, and Sammie Johnson are dismissed without prejudice due to plaintiff's failure to exhaust administrative remedies against them. Defendants' request for a "with prejudice" dismissal is denied.

2. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order would not be taken in good faith.

SO ORDERED this the 30th day of July, 2015.



KRISTINE G. BAKER
UNITED STATES DISTRICT JUDGE