

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

CHANTELL ALLEN PEOPLES,
ADC # 134098

Plaintiff,

v.

JAMES MURPHY, Guard, Mississippi
County Detention Center; *et al.*

Defendants.

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No. 3:15CV00331-JJV

MEMORANDUM AND ORDER

Chantell Allen Peoples (“Plaintiff”) filed an Amended Complaint (Doc. No. 22) seeking to add Luther Whitfield, Dale Cook, Clabon Hicks, and an unnamed nurse as defendants. After review of that Complaint, I found this action should proceed only against Defendant James Murphy. (Doc. No. 24.) Now, Plaintiff has pleaded his allegations against these Defendants with greater specificity and asked me to reconsider my ruling. (Doc. No. 25.) After weighing Plaintiff’s Motion for Reconsideration, I now conclude service is appropriate for Luther Whitfield and Clabon Hicks. The claims against Dale Cook and the unidentified nurse should, for the reasons stated below, not proceed, however.

Plaintiff alleges Sheriff Dale Cook never replied to or returned his grievances. (*Id.* at 1.) It is settled law that the failure to respond to an inmate’s grievances, standing alone, does not give rise to a constitutional violation. *See Buckley v. Barlow*, 997 F.2d 494 (8th Cir. 1993)(per curiam). With respect to the unidentified nurse, Plaintiff alleges he spoke to her about his medical issues on one occasion and, despite her assurances, they were not resolved. (Doc. No. 25 at 1.) He also alleges she responded to one of his grievances on September 17, 2015, with a denial. (*Id.*) These allegations

are still too vague to sustain a viable deliberate indifference claim against her. Moreover, denial of a grievance does not give rise to a constitutional violation. *See Lomholt v. Holder*, 287 F.3d 683, 684 (8th Cir. 2002).

IT IS, THEREFORE, ORDERED that:

1. Plaintiff's Motion for Reconsideration (Doc. No. 25) is GRANTED in part:
 - a. Luther Whitfield and Clabon Hicks shall be reinstated as defendants;
 - b. The Motion is denied in all other respects.
2. The Clerk of Court shall prepare Summons for Defendants Whitfield and Hicks, and the United States Marshall shall serve a copy of the Amended Complaint (Doc. No. 22), Motion for Reconsideration (Doc. No. 25), Summons, and this Order on them without prepayment fees or costs or security therefore. Service for both Defendants should be through the Mississippi County Detention Facility, 685 NCR 599, Luxora, AR 72358.
3. The Clerk shall alter the docket to reflect that Defendant Luther Whithfield is appropriately Defendant Luther Whitfield.

SO ORDERED this 4th day of March, 2016.



JOE J. VOLPE
UNITED STATES MAGISTRATE JUDGE