

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

CHRISTIAN HAMPTON  
ADC #162105

PLAINTIFF

v.

No. 3:21-cv-77-DPM

NATHAN WILLIAMS, Sergeant,  
Grimes Unit; MICHAEL COCHRAN,  
Sergeant, Grimes Unit; CLINTON  
BAKER, Lieutenant, Grimes Unit;  
and JOHN MOSS, Sergeant, Grimes Unit

DEFENDANTS

ORDER

The Court adopts the Magistrate Judge's unopposed partial recommendation, *Doc. 35*. FED. R. CIV. P. 72(b) (1983 addition to advisory committee notes). One clarification: the recommendation states that Grievance GR-20-01098 "does not contain mention of retaliation." *Doc. 35 at 8*. The grievance does state, "I'm also asking to be protected from further retaliation by the Grime[s] unit staff." *Ibid*. But Hampton's complaint doesn't claim that the attack itself was retaliatory. Instead, it alleges that the Defendants filed a retaliatory false disciplinary against Hampton after the attack. *Doc. 2 at 8*. The passing reference to "further retaliation" in the grievance did not mention the disciplinary—likely because the hearing took place after the grievance was filed. *Doc. 2 at 9 & 14*. The grievance was therefore

insufficient to exhaust a retaliatory discipline claim. Motion for partial summary judgment, *Doc. 25*, granted. Hampton's excessive force claim against Cochran goes forward. All other claims and Defendants are dismissed without prejudice for failure to exhaust.

So Ordered.

*D.P. Marshall Jr.*

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D.P. Marshall Jr.  
United States District Judge

*17 November 2021*