

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

BARRY D. LONDON
ADC #088701

PLAINTIFF

v.

No. 3:21-cv-197-DPM-JTK

ESTHER MENDEZ, CO-II, North Central
Unit, ADC; SHAWN RICHARD,
Psychologist, North Central Unit, ADC;
JEREMY GLENN, Field Sgt., North
Central Unit, ADC; NATHAN WEST,
Nurse, North Central Unit, ADC;
MARJORIE HALL; SANDRA LAKE;
MARTY HEARYMAN, Doctor; LISA
MURRAY, Sick Call Nurse; JACQUELYN
PETERMAN, Sick-call Nurse; ANDREW
SCHUBERT, Mental Health, North
Central Unit, ADC; BRIAN SIGHTS,
Mental Health, North Central Unit, ADC;
and ERNEST JOHNSON, Field Lt., North
Central Unit, ADC

DEFENDANTS

ORDER

The Court adopts Magistrate Judge Kearney's unopposed partial recommendation, *Doc. 130*. FED. R. CIV. P. 72(b) (1983 addition to the advisory committee notes). The Court rules as follows.

- The ADC defendants' (Sights, Schubert, Glenn, Johnson, and Mendez) motion for their statement of undisputed facts to be deemed admitted, *Doc. 129*, is denied as moot.

- The ADC defendants' motion for summary judgment, *Doc. 110*, is granted in part and denied in part.
- London failed to exhaust his claims against Sights, Schubert, and Mendez. Those claims are dismissed without prejudice. Sights, Schubert, and Mendez are dismissed as defendants in this case.
- There is no genuine dispute that London failed to fully exhaust Grievance NC-21-00104. *Doc. 110-4*. Any claim against Glenn related to that grievance is dismissed without prejudice. The ADC defendants have not, however, shown that there is no genuine dispute that London failed to fully exhaust Grievance NC-21-00690 and Grievance NC-21-00731. *Doc. 110-6 & Doc. 110-8*. London's deliberate indifference claims against Glenn and Johnson that are related to those grievances will move forward.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

17 January 2023