

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

**MICHAEL DOUGLAS FRAZIER
ADC #151108**

PLAINTIFF

v.

No. 3:22-cv-37-DPM

**TAMMY GLENN, Nurse Practitioner,
Greene County Detention Center;
BRENT COX, Chief of Detention,
Greene County Detention Center; and
HANNAH O'NEAL, Medical Employee,
Greene County Detention Center**

DEFENDANTS

ORDER

Frazier alleges that the defendants were deliberately indifferent to his medical needs. His claims against Estelle Bland were dismissed because Frazier failed to exhaust his administrative remedies. *Doc. 162*. Magistrate Judge Ervin has recommended that this Court grant two motions for summary judgment on Frazier's remaining claims. Frazier did not object to the recommendation, and his time to do so has long since passed. Instead, he filed an interlocutory appeal of the Order dismissing Bland, which the Court of Appeals dismissed. Frazier then filed a motion to voluntarily dismiss his claims against Glenn, Cox, and O'Neal.

Frazier's motion to dismiss, *Doc. 180*, is denied. This is an older case. The parties have completed discovery. The summary judgment

issues have been fully briefed for some time. The only hold-up has been Frazier's interlocutory appeal. All material things considered, allowing Frazier to non-suit his claims this late in the game would unfairly prejudice Glenn, Cox, and O'Neal. *Paulucci v. City of Duluth*, 826 F.2d 780, 783 (8th Cir. 1987).

This Court adopts Magistrate Judge Ervin's unopposed recommendation, *Doc. 164*. Fed. R. Civ. P. 72(b) (1983 addition to advisory committee notes). The motions for summary judgment, *Doc. 126 & 129*, are granted. Frazier's claims against Glenn, Cox, and O'Neal will be dismissed with prejudice.

So Ordered.

W.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

3 September 2024