

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

VERNESSA SMITH ARNOLD

PLAINTIFF

v.

No. 4:12-cv-347-DPM-JJV

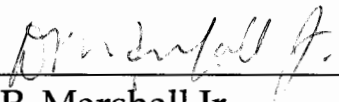
**CATHY SMITH, Nurse,
Pulaski County Detention Facility**

DEFENDANT

ORDER

The Court has considered Magistrate Judge Joe J. Volpe's proposed findings and recommendations, *No. 30*, and Arnold's objections, *No. 31*. On *de novo* review, the Court adopts Judge Volpe's proposal as supplemented. FED. R. CIV. P. 72(b)(3). The Court has listened to the evidentiary hearing and considered the exhibits. Nurse Smith could not provide the medication without a prescription. Dr. Johnson's failure to make one, especially in light of the lapsed prescription, is regrettable and questionable. But he is no longer in the case because Arnold made no claim that his prescribing some drugs but not the one she sought constituted deliberate indifference. Arnold's claims against Smith fail as a matter of law. As to Smith, Arnold's complaint is dismissed with prejudice.

So Ordered.



D.P. Marshall Jr.
United States District Judge

6 November 2013