

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

BRIAN RIDLEY,

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Plaintiff,

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v.

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No. 4:17CV00365-SWW

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DOC HOLIDAY, Sheriff,  
Pulaski County; *et al.*

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Defendants.

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**ORDER**

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe and Plaintiff's Objections.<sup>1</sup> After carefully considering the objections and making a *de novo* review of the record, the Court concludes that the Proposed Findings and Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS, THEREFORE, ORDERED that:

1. Defendant Cass's Motion for Summary Judgment (Doc. No. 17) is GRANTED in all respects - save his request for a "with prejudice" dismissal of this action.
2. This cause of action is DISMISSED without prejudice due to Plaintiff's failure to exhaust his administrative remedies.
3. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order adopting the recommendations would not be taken in good faith.

IT IS SO ORDERED this 1<sup>st</sup> day of November, 2017.

/s/ Susan Webber Wright

UNITED STATES DISTRICT JUDGE

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<sup>1</sup> With his objections, Plaintiff claims that he appealed his initial grievance, but he never received a response. Plaintiff fails to explain why he failed to offer this additional information in response to Defendants' motion for summary judgment as required by the instructions set forth in the proposed findings and recommendations.