

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

**DAVID FERRELL,
ADC #105996**

PLAINTIFF

v.

Case No. 4:20-cv-00035-KGB-JJV

**WENDY KELLEY, Director/Superintendent,
Arkansas Division of Correction, et al.**

DEFENDANTS

ORDER

Pending before the Court are Proposed Findings and Recommendations submitted by United States Magistrate Judge Joe J. Volpe on February 4, 2020 (Dkt. No. 17), Proposed Findings and Recommendations submitted by Judge Volpe on January 19, 2021 (Dkt. No. 75), a motion for status update (Dkt. No. 79), a motion for copies (Dkt. No. 80), and a motion for Rule 41.1 notice of settlement or court order jury trial date (Dkt. No. 81). The Court rules as follows.

I. February 4, 2020, Proposed Findings and Recommendations

The Court has reviewed the Proposed Findings and Recommendations submitted by Judge Volpe on February 4, 2020 (Dkt. No. 17). No party filed objections to Judge Volpe's Proposed Findings and Recommendations, and the time to do so has passed. After careful review, the Court adopts the Proposed Findings and Recommendations in their entirety as this Court's findings in all respects (Dkt. No. 21).

II. January 19, 2021, Proposed Findings and Recommendations

The Court has also reviewed the Proposed Findings and Recommendations submitted by Judge Volpe on January 19, 2021 (Dkt. No. 75). Plaintiff David Ferrell filed a motion to proceed and reply to defendant's reply on summary judgment and a motion to reply on summary judgment, which this Court interprets as Mr. Ferrell's objections to the Proposed Findings and

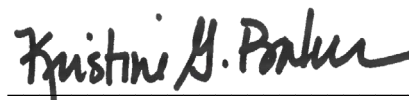
Recommendations (Dkt. Nos. 77, 78). In his objections, Mr. Ferrell reasserts arguments which he previously made in his response to defendants' motion for summary judgment (Dkt. No. 64). After conducting a *de novo* review of the record in this case, this Court adopts Judge Volpe's Proposed Findings and Recommendations in their entirety as this Court's findings in all respects.

Accordingly, the Court grants defendants' motion for summary judgment (Dkt. No.60) and dismisses with prejudice Mr. Ferrell's retaliation claims against defendants Jared Byers, James Gibson, and Charlotte Jones. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order and the accompanying Judgment would not be taken in good faith.

III. Remaining Pending Motions

The Court denies as moot Mr. Ferrell's motion for status update (Dkt. No. 79). The Court grants Mr. Ferrell's motion for copies and directs the Clerk of Court to mail to Mr. Ferrell a copy of the docket sheet in this case (Dkt. No. 80). The Court denies as moot Mr. Ferrell's motion for Rule 41.1 notice of settlement or court order jury trial date (Dkt. No. 81).

So ordered this 6th day of August, 2021.



Kristine G. Baker
United States District Judge