

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

**DAMIEN FORD,
ADC #143035**

PLAINTIFF

v.

Case No. 4:20-cv-00163 KGB-JTK

WENDY KELLEY, *et al.*

DEFENDANTS

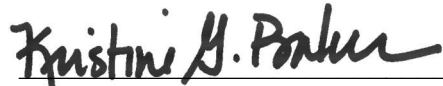
ORDER

Before the Court are Proposed Findings and Recommendations submitted by United States Magistrate Judge Jerome T. Kearney (Dkt. No. 5). Plaintiff Damien Ford filed an objection to the Proposed Findings and Recommendations (Dkt. No. 8). After careful consideration of the Proposed Findings and Recommendations, Mr. Ford's objection, and a *de novo* review of the record, the Court concludes that the Proposed Findings and Recommendations should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects (Dkt. No. 5).

In his objection, Mr. Ford reasserts his many of the same allegations made initially. For instance, he reasserts the allegation that defendants Lieutenant Christopher and Major Carrol should have escorted him to and from the shower to prevent a physical altercation with Sergeant Butler (Dkt. No. 8, at 1-2). Mr. Ford objects to Judge Kearney's determination that defendants Wendy Kelley, Dexter Payne, Warden Gibson, Warden Shipman, and Correct Care Solutions were not deliberately indifferent in their supervisory roles (*Id.*, at 4). He also objects to Judge Kearney's determination that Mr. Ford's allegations that Nurse Scott failed to check the inside of his mouth during his treatment and that Nurse Luper failed to document an injury fail to support a deliberate indifference claim (Dkt. No. 5, at 5). The Court agrees with Judge Kearney's analysis and has adopted it as the Court's own; the Court will not repeat that analysis with respect to Mr. Ford's

objections. For these reasons, the Court adopts the Proposed Findings and Recommendations as its findings in all respects (Dkt. No. 5). Accordingly, the Court dismisses without prejudice for failure to state a claim upon which relief may be granted Mr. Ford's claims against defendants Wendy Kelley, Dexter Payne, Warden Gibson, Warden Shipman, Lieutenant Christopher, Major Carrol, Nurse Scott, Nurse Lupor, and Correct Care Solutions. Mr. Ford may proceed with his claims against defendants Sergeant Butler, Officer Chapman, and Officer Bailey.

It is so ordered this 20th day of January, 2021.

A handwritten signature in black ink, reading "Kristine G. Baker". The signature is written in a cursive style with a horizontal line underneath it.

Kristine G. Baker
United States District Judge