

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

**HAROLD COVERT  
ADC #151511**

**PLAINTIFF**

**v.**

**CASE NO. 4:20-CV-00202-BSM**

**WENDY KELLEY, et al.  
Director, ADC**

**DEFENDANTS**

**ORDER**

Having carefully reviewed the record, United States Magistrate Judge J. Thomas Ray's recommended disposition [Doc. No. 73] is adopted. The partial motion for summary judgment filed by Wendy Kelley, Dexter Payne, James Shipman, Jared Byers, Brandon Carroll, Marshall Reed, Randy Straughn, James Plummer, Mary Lloyd, Laquista Swopes, Scott Taylor, Christopher Johnson, Michael Richardson, Raymond Naylor, and James Gibson [Doc. No. 55] is granted. Harold Covert's deliberate indifference claims are dismissed without prejudice, for failure to exhaust his administrative remedies. 42 U.S.C. § 1997e(a). Covert's remaining First Amendment retaliation claim against Plummer, Lloyd, Swopes, and Sgt. Hampton is allowed to proceed.

IT IS SO ORDERED this 19th day of September, 2022.

  
UNITED STATES DISTRICT JUDGE