

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

BRIDGETT BEARDEN

PLAINTIFF

v.

Case No. 4:20-cv-01210-KGB-JTK

DOE, et al.

DEFENDANTS

ORDER

Before the Court are the Proposed Findings and Recommendations submitted by United States Magistrate Judge Jerome T. Kearney on the pending motion for summary judgment filed by remaining defendant Tonya Parker (Dkt. Nos. 21; 29).

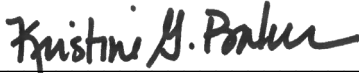
Plaintiff Bridgett Bearden failed to respond timely to Ms. Parker's motion for summary judgment before Judge Kearney issued the Proposed Findings and Recommendations. On March 16, 2022, Judge Kearney directed Ms. Bearden to file a response to Ms. Parker's pending motion for summary judgment within 15 days, or by March 31, 2022 (Dkt. No. 28). Ms. Bearden submitted a response but that response was docketed on April 4, 2022, the same day Judge Kearney submitted his Proposed Findings and Recommendations (Dkt. Nos. 29; 30). Ms. Bearden's response was mailed on March 31, 2022, based on the postage stamp (Dkt. No. 30, at 11).

If the Court considers Ms. Bearden's response as a response to the motion for summary judgment or as an objection to the pending Proposed Findings and Recommendations, the outcome of this matter does not change. In her response, Ms. Bearden attaches as exhibits certain documents Ms. Parker included and two new documents -- medical call forms she submitted on October 6, 2020, and July 18, 2021 (*Id.*, at 8, 10). These submissions show that Ms. Bearden requested vitamin C and a mask due to the spread of Covid-19 at the Saline County Detention Center (*Id.*). It is not clear on the record before the Court whether medical call requests are considered part of the administrative grievance procedure. Even if the medical call requests are

considered grievances by this Court, those requests do not contain any of the information required by the grievance policy so as to exhaust Ms. Bearden's administrative remedies, as required before filing suit.

For these reasons, after careful and *de novo* consideration of the entire record before the Court, 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. 29). Accordingly, the Court grants Ms. Parker's motion for summary judgment on the issue of exhaustion (Dkt. No. 21). Ms. Bearden's claims against Ms. Parker are dismissed without prejudice for failure to exhaust administrative remedies. The Court certifies pursuant to 28 U.S.C. § 1915(a) that an *in forma pauperis* appeal from this Order and the accompanying Judgment would not be taken in good faith.

It is so ordered this 29th day of August, 2022.



Kristine G. Baker
United States District Judge