

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

**CHRISTOPHER THOMAS AUSTIN  
ADC #655309**

**PLAINTIFF**

v.

**Case No. 4:21-cv-00085-KGB-JJV**

**ISACC WADE, Captain,  
Cummins Unit, ADC, et al.**

**DEFENDANTS**

**ORDER**

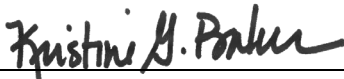
The Court has reviewed two Proposed Findings and Recommendations submitted by United States Magistrate Judge Joe J. Volpe (Dkt. Nos. 4, 8). Plaintiff Christopher Thomas Austin filed objections to Judge Volpe's Proposed Findings and Recommendations filed on February 12, 2021 (Dkt. No. 12). After careful consideration and a *de novo* review of the record, the Court adopts Judge Volpe's two Proposed Findings and Recommendations as this Court's findings in all respects (Dkt. Nos. 4, 8).

Mr. Austin's objections to Judge Volpe's February 12, 2021, Proposed Findings and Recommendations were filed on April 7, 2021. Mr. Austin's objections were signed and dated February 18, 2021. Accordingly, the Court considers Mr. Austin's objections as timely filed. Mr. Austin in his objections argues that he has no way of showing he exhausted all of his administrative remedies because there is no possible way to get a copy of a grievance unless the inmate provides the grievance number (Dkt. No. 12, at 1). Mr. Austin further argues that separate defendant Isaac Wade retaliated against him on February 18, 2021, for filing a lawsuit against Mr. Wade (*Id.*). Mr. Austin's objections do not address the analysis in the February 12, 2021, Proposed Findings and Recommendations which the Court has adopted as its findings in all respects.

Accordingly, the Court denies Mr. Austin's motion for injunctive relief (Dkt. No. 3). The

Court concludes that Mr. Austin may proceed with his failure to protect, excessive force, and conditions of confinement claims against defendants Officer Meadows, Warden Culclager, Officer Dunn, Kenneth Starks, and Officer Jasper. The Court dismisses without prejudice Mr. Austin's claims against defendants Mr. Wade, Devontae Walker, and Officer Moriss because Mr. Austin has failed to plead any plausible claims against them upon which relief may be granted. The Court certifies that an *in forma pauperis* appeal from this Order would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

It is so ordered this 4th day of August, 2021.

  
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Kristine G. Baker  
United States District Judge