

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

**BRADLEY DEAN OWREN  
#137407**

**PLAINTIFF**

**v.**

**Case No. 4:21-cv-00927-KGB**

**PHILLIP MILLER *et al.***

**DEFENDANTS**

**ORDER**

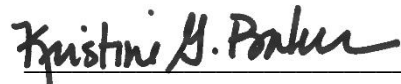
Before the Court are two Proposed Findings and Recommendations submitted by United States Magistrate Judge Joe J. Volpe (Dkt. Nos. 5; 25).

In the November 17, 2021, Proposed Findings and Recommendations (“Partial Recommendation”), Judge Volpe recommended dismissal without prejudice of all claims brought by plaintiff Bradley Owren against defendant Clayton Edwards with the exception of Mr. Owren’s due process claim against Mr. Edwards in Mr. Edwards’ individual capacity (Dkt. No. 5, at 3). Judge Volpe also recommended dismissal without prejudice of all of Mr. Owren’s claims against defendant Phillip Miller (*Id.*). Further, Judge Volpe recommended that this Court certify, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order would not be taken in good faith (*Id.*).

In the March 29, 2022, Proposed Findings and Recommendations (“Recommendation”), Judge Volpe recommended, as to the remaining claims, that the Court grant Mr. Edwards’ motion for summary judgment for failure to exhaust administrative remedies (Dkt. Nos. 16; 25). Judge Volpe further recommended that the Court dismiss without prejudice Mr. Owren’s due process claim against Mr. Edwards and certify, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order would not be taken in good faith (Dkt. No. 25, at 7).

Mr. Owren did not respond to either Judge Volpe's Partial Recommendation or Recommendation, and the time for doing so has passed. After careful consideration of the Partial Recommendation and Recommendation, the Court concludes that the Partial Recommendation and Recommendation should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects (Dkt. Nos. 5; 25). The Court grants Mr. Edwards' motion for summary judgment and dismisses without prejudice Mr. Owren's complaint (Dkt. No. 2). The Court certifies that an *in forma pauperis* appeal taken from this Order and the accompanying judgment would not be taken in good faith. As this Court dismisses this case, it denies as moot Mr. Edward's motion to stay scheduling order deadline (Dkt. No. 26).

It is so ordered this 1st day of August, 2022.



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Kristine G. Baker  
United States District Judge