

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

JIMMY DOYLE BUMGARDNER,
ADC #103669

PLAINTIFF

V.

5:08-cv-00321-DPM-JTK

JOSEPH BUCKMAN, et al.

DEFENDANTS

ORDER

This matter is before the Court on Plaintiff's Motion for Reconsideration of this Court's previous denial of his request for an outside dental examination (Doc. No. 128). Defendants filed a Response in opposition to his Motion (Doc. No. 129).

On March 30, 2009, this Court recommended Plaintiff's Motion for Order for an outside dental examination be denied (Doc. No. 29). The Court considered the affidavit of Dr. Martin Zoldessy, the Regional Dental Director For Correctional Medical Services, Inc. (CMS), who stated that dental care and treatment has been provided to Plaintiff consistently since September 2006. The Court's recommendation was adopted by Order dated April 15, 2009 (Doc. No. 37). Following that Order, Plaintiff filed a Motion for Reconsideration, which this Court again recommended be denied (Doc. No. 64). The Court considered a letter from an outside dentist who stated Plaintiff would be a candidate for an implant evaluation by an oral surgeon, yet concluded that no evidence existed to support Plaintiff's claim of irreparable harm to his serious dental needs. The Court's recommendation was adopted by Order dated July 6, 2009 (Doc. No. 66).

In the current Motion, Plaintiff again asks the Court to reconsider its prior decisions. Plaintiff provides letters from three outside dentists who state they are unable to evaluate Plaintiff without a physical examination. Plaintiff does not, however, provide any evidence to rebut the

Court's prior findings that Plaintiff has been consistently treated for his dental needs by CMS or that new facts have surfaced which rebut those prior findings. In their Response to the Motion, Defendants state Plaintiff's request is not necessary to his dental health and would require transportation and security and other accommodations. Therefore, taking into consideration both the evidence submitted in the past and the present submissions, the Court finds Plaintiff's Motion should be denied. Accordingly,

IT IS, THEREFORE, ORDERED that Plaintiff's Motion for Reconsideration (Doc. No. 128) is hereby DENIED.

IT IS SO ORDERED this 1st day of October, 2010.



JEROME T. KEARNEY
UNITED STATES MAGISTRATE JUDGE