

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

**JIMMY DOYLE BUMGARDNER
ADC #103669**

PLAINTIFF

v.

Case No. 5:08-cv-321-DPM

**LARRY NORRIS; WENDY KELLEY;
CORRECTIONAL MEDICAL SERVICES;
RICHARD A. CARPENTER; and CANADY**

DEFENDANTS

ORDER

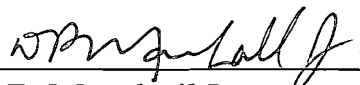
The Court has carefully reviewed the Proposed Findings and Recommendations from Magistrate Judge Jerome T. Kearney. Despite being granted additional time to respond, Bumgardner has not filed any objections. The Court sees no legal error or clear error of fact on the face of this record as a whole. FED. R. CIV. P. 72(b) (advisory committee notes to 1983 addition). The Court therefore adopts Magistrate Judge Kearney's recommended disposition, *Document No. 165*, as its own with clarifications.

Defendants Kelley and Norris's motion for partial summary judgment, *Document No. 146*, is granted based on no exhaustion. Defendants Canady, Carpenter, and Correctional Medical Services's motion for summary

judgment, *Document No. 149* as supplemented by *Document No. 159**, is granted. Bumgardner's motion for more time to respond to the supplement, *Document No. 164*, is belatedly granted. Bumgardner filed his response, *Document No. 167*, and the Court has considered it.

Bumgardner's complaint against Norris, Kelley, Carpenter, and CMS is dismissed without prejudice for failure to exhaust. Bumgardner's complaint against Canady is dismissed with prejudice.

So Ordered.



D.P. Marshall Jr.
United States District Judge

23 March 2011

*This document is not a supplemental motion; it is a supplement.
The Clerk should so amend the docket.