

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

**JASON MICHAEL MANNING/ROGERS,  
ADC #108709**

**PLAINTIFF**

**v.**

**No. 5:10-cv-282-DPM-BD**

**CURTIS L. MEINZER, Warden, Varner Unit, ADC;  
CHARLES FREYDER, Senior Chaplain, Varner Unit,  
ADC; and GRANT HARRIS**

**DEFENDANTS**

**ORDER**

No one has objected to Magistrate Judge Beth Deere's Recommended Disposition. *No* 93. There is no legal error or clear error of fact on the face of the record as a whole. FED. R. CIV. P. 72(b) (Advisory Committee Notes to 1983 Addition). The Court therefore adopts Judge Deere's recommendation. The Defendants' motion for summary judgment, *No* 84, is granted. Manning/Rogers's claim against Meinzer for damages in his official capacity is dismissed with prejudice. *Papasan v. Allain*, 478 U.S. 265, 278 (1986). His claims against Meinzer in his individual capacity are dismissed without prejudice for failure to exhaust administrative remedies. Claims against Harris and Freyder are dismissed with prejudice because they are entitled to qualified immunity.

So Ordered.

*D.P. Marshall Jr.*  
D.P. Marshall Jr.  
United States District Judge

15 July 2013