

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

**ERNEST W. L. THOMPSON,
ADC #500242**

PLAINTIFF

v.

Case No. 5:11-cv-00327-KGB-JJV

MELVIN NANCE

DEFENDANT

ORDER

The Court has reviewed the Proposed Findings and Recommendations (“Recommendations”) submitted by United States Magistrate Judge Joe J. Volpe (Dkt. No. 78) and plaintiff Ernest L. Thompson’s objections (Dkt. No. 79). After carefully considering the objections and making a *de novo* review of the record, the Court concludes that the Recommendations should be, and hereby are, approved and adopted in their entirety as this Court’s findings in all respects.

Mr. Thompson cites two cases in his objections, apparently for the first time (Dkt. No. 79). *See Steele v. Shah*, 87 F.3d 1266, 1270 (11th Cir. 1996) (holding that a finding of deliberate indifference could be supported where a doctor discontinued plaintiff’s psychotropic medication based on one cursory interview and without having reviewed any medical records beyond a “Treatment Plan” and where the doctor subsequently failed to reconsider his decision after learning of plaintiff’s suicide risk without the medication); *Farrow v. West*, 320 F.3d 1235, 1247 (11th Cir. 2003) (finding that the facts did not suggest that plaintiff’s condition was so grave that even some considerable delay would have authorized a finding of deliberate indifference). The Court has reviewed these cases, along with Mr. Thompson’s objections and the record. Neither

case Mr. Thompson cites is controlling on this Court, and both cases are factually different from his case. The Court agrees with Judge Volpe's Recommendations.

The Court also denies Mr. Thompson's motion to stay until he has obtained the necessary facts from defendants in response to his discovery requests, which he filed along with his response to Dr. Nance's motion for summary judgment (Dkt. No. 77). Before Judge Volpe issued the Recommendations in this matter, Mr. Thompson had adequate time for discovery.

It is therefore ordered that:

1. Dr. Nance's motion for summary judgment is granted (Dkt. No. 72).
2. All other pending motions are denied as moot.
3. This cause of action is dismissed with prejudice.
4. The Court certifies that, pursuant to 28 U.S.C. § 1915(a)(3), an *in forma*

pauperis appeal from this Order and the accompanying Judgment would not be taken in good faith.

SO ORDERED this 22nd day of August, 2014.



KRISTINE G. BAKER
UNITED STATES DISTRICT JUDGE