

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

**WESLEY ELISHA GRISSOM,
ADC #110265**

PLAINTIFF

v.

Case No. 5:13-cv-00024-KGB-JTR

**LATRICIA WHITE, Kitchen Supervisor,
Delta Regional Unit, et al.**

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Partial Disposition submitted by United States Magistrate Judge J. Thomas Ray (Dkt. No. 92). The Court also has reviewed the second Proposed Findings and Recommended Partial Disposition submitted by Judge Ray (Dkt. No. 94) and the objections filed by Mr. Grissom (Dkt. Nos. 95, 96).

No objections have been filed to the Proposed Findings and Recommended Disposition, and the time for filing objections to the Proposed Findings and Recommended Disposition has passed. After careful review, the Court concludes that the Proposed Findings and Recommended Partial Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects (Dkt. No. 92). Separate defendant Amanda McClean's motion for summary judgment is granted (Dkt. No. 67), and plaintiff Wesley Elisha Grissom's claims against Ms. McClean are dismissed without prejudice for failure to exhaust administrative remedies.

After carefully considering the second Proposed Findings and Recommended Partial Disposition submitted by Judge Ray (Dkt. No. 94) and the objections filed by Mr. Grissom (Dkt. Nos. 95, 96), and making a *de novo* review of the record in this case, the Court concludes that the Proposed Findings and Recommended Partial Disposition should be, and hereby are, approved

and adopted in their entirety as this Court's findings in all respects. Defendants' motion for summary judgment is granted in part and denied in part (Dkt. No. 74). Mr. Grissom's claims against separate defendants James Gibson, Kay Howell, Grant Harris, Jada Lawrence, and Wendy Kelley are dismissed without prejudice for failure to exhaust administrative remedies. Mr. Grissom may proceed with his 42 U.S.C. § 1983 excessive force and pendent state law battery claims against separate defendant Latricia White. Mr. Grissom's request for monetary damages against Ms. White in her official capacity is dismissed with prejudice. The Court certifies, 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. Mr. Grissom's motion for ruling is denied as moot (Dkt. No. 100).

SO ORDERED this the 8th day of September, 2014.



Kristine G. Baker
United States District Judge