

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

**WALLACE A. GARDNER,  
ADC #110784**

**PLAINTIFF**

**v.**

**CASE NO. 5:13CV00353 BSM**

**SONYA DAVIS-PEPPERS,  
Doctor, Maximum Security Unit, ADC, et al.**

**DEFENDANTS**

**ORDER**

The proposed findings and recommended partial disposition submitted by United States Magistrate Judge J. Thomas Ray have been reviewed. No objections have been filed. After careful consideration, it is concluded that the proposed findings and recommended partial disposition should be, and hereby are, approved and adopted in their entirety in all respects.

IT IS THEREFORE ORDERED that:

1. McDowell's and Kelley's motions for summary judgment [Docs. No. 20 & 23] are granted and Gardner's claims against them are dismissed without prejudice.
2. It is certified, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this order would be considered frivolous and not in good faith.

Dated this 30th day of September 2014.

  
UNITED STATES DISTRICT JUDGE