Martin et al v. Corizon Correctional Medical Services et al Doc. 195

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

**LAWRENCE MARTIN** **PLAINTIFF**
**ADC # 106491**

**v.** **Case No. 5:13-cv-00364 KGB/JJV**

**CORIZON CORRECTIONAL**
**MEDICAL SERVICES, et al.** **DEFENDANTS**

**ORDER**

The Court has reviewed the Proposed Findings and Recommendations submitted by Magistrate Judge Joe J. Volpe that relate to defendants' motions for summary judgment (Dkt. No. 191). Plaintiff Lawrence Martin has filed objections (Dkt. No. 192), a motion for ruling (Dkt. No. 193), and what has been docketed as an addendum to his motion for a ruling (Dkt. No. 194). After carefully considering Mr. Martin's objections and making a *de novo* review of the record, the Court concludes that the Proposed Findings and Recommendations should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects (Dkt. No. 191).

In his objections to the Proposed Findings and Recommendations, Mr. Martin repeatedly takes issue with his lack of counsel and the Court's denial of his requests to appoint counsel. The Court stands by its prior rulings on Mr. Martin's motions to appoint counsel; the Court sees no reason on this record to reconsider those rulings. Mr. Martin also raises challenges to Court's consideration of certain evidence, evidence that this Court determines Judge Volpe properly addressed in the Proposed Findings and Recommendations. The remainder of Mr. Martin's challenges to the Proposed Findings and Recommendations also are without merit. For all of these reasons, the Court approves and adopts the Proposed Findings and Recommendations in

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their entirety as this Court's findings in all respects (Dkt. No. 191). The Court grants defendants' motions for summary judgment (Dkt. Nos. 176, 179) and denies as moot Mr. Martin's motion for ruling (Dkt. No. 193).

It is therefore ordered that:

1. The Clerk of Court shall alter the docket to reflect that: defendant "Bland" is "Estella Bland"; defendant "Lanvada White-Matthews" is "Lavanda White-Matthews"; defendant "Eddie Selbey" is "Eddie Selvey"; defendant "Warner" is "Mark Warner"; defendant "Plucket" is "Phillip Puckett"; defendant "Brown" is "Christopher Brown"; defendant "Jones" is "Jeremy Jones."

2. The Court grants the motion for summary judgment filed by the "Medical Defendants" Estella Bland and Lavanda White-Matthews (Dkt. No. 176). The Court dismisses with prejudice Mr. Martin's claims against Ms. Bland and Ms. White-Matthews.

3. The Court grants the motion for summary judgment filed by the "ADC Defendants" Gaylon Lay, Larry May, Eddie Selvey, Brenda Swygart, Crystal Wood, Mark Warner, Christopher Brown, Jeremy Jones, and Phillip Puckett (Dkt. No. 179). The Court dismisses without prejudice for failure to exhaust his administrative remedies Mr. Martin's claims against Mr. Selvey, Mr. Warner, Mr. Brown, and Mr. Puckett. The Court dismisses with prejudice Mr. Martin's claims against Mr. Jones, Mr. Lay, Mr. May, Ms. Swygart, and Ms. Wood.

4. The Court denies as moot Mr. Martin's motion for ruling (Dkt. No. 193).

SO ORDERED this the 31st day of August, 2015.

Kristine G. Baker
United States District Judge