

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

DERRICK JOHNSON, ADC #106719

PLAINTIFF

v.

No. 5:15CV00129 JLH-JJV

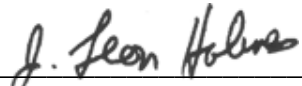
RUSSELL, Dentist, Cummins Unit,
Correctional Care Solutions; *et al.*

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Partial Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe and the filed objections. After carefully considering these documents and making a *de novo* review of the record in this case, the Court concludes that the Proposed Findings and Partial Recommended Disposition should be, and hereby are, approved and adopted in part as the Court's findings. The Court adopts the recommendation that defendants Straughn and Byers be dismissed without prejudice but not the recommendation that A. Watts be dismissed. Though, as the proposed findings state, grievance responses, even denials, do not give rise to substantive constitutional claims, and even though supervisors incur liability only when they are personally involved in a violation or whether inaction amounts to deliberate indifference, for screening purposes only, the Court concludes that Derrick Johnson has sufficiently alleged a claim against A. Watts but not against Straughn and Byers. Johnson's claims against Straughn and Byers are hereby dismissed without prejudice for failure to state a claim upon which relief can be granted. 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.

IT IS SO ORDERED this 19th day of May, 2015.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE