

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

**AUSTIN COOPER,
ADC # 078084**

PLAINTIFF

v.

CASE NO. 5:15CV00170 BSM

**GRISWOLD, Assistant Nurse
Practitioner, Cummins Unit, ADC; et al.**

DEFENDANTS

ORDER

The recommended disposition submitted by United States Magistrate Judge Joe J. Volpe and plaintiff's objections thereto have been reviewed. After carefully considering these documents and making a *de novo* review of the record, the recommended disposition is hereby adopted in all respects. In addition to his objection, plaintiff Austin Cooper has filed three motions.

First, because this case is being dismissed, his motion to appoint counsel [Doc. No. 116] is denied. Second, Cooper's motion for recusal and to change venue [Doc. No. 117] is also denied. Cooper argues that this court does not grasp the severity of his condition and that he would only be able to obtain relief in a different venue. It is impossible to know the full extent of Cooper's condition, yet the fact remains that, based on the record, defendants' actions do not rise to the level of a constitutional violation.

Third, Cooper filed a motion to enter an exhibit as evidence [Doc. No. 18], in which he makes a new allegation that defendant Griswold retaliated against him because he filed a grievance. Because this allegation involves actions taken after Cooper filed his complaint, his motion is denied. If Cooper wants to pursue this claim, he must file a new lawsuit.

IT IS THEREFORE ORDERED THAT:

1. Defendants' motion for summary judgment [Doc. No. 94] is granted, and the claims against defendants Bland and Griswold are dismissed with prejudice.
2. Pursuant to 28 U.S.C. § 1915(a)(3), it is certified that an *in forma pauperis* appeal from this order would not be taken in good faith.

IT IS SO ORDERED this 19th day of July 2016.

A handwritten signature in cursive script, reading "Brian S. Miller". The signature is written in black ink and is positioned above a horizontal line.

UNITED STATES DISTRICT JUDGE