

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

**JERRY H. MCCROSKEY  
ADC #72796**

**PLAINTIFF**

**VS.**

**5:15CV00229 BRW**

**WENDY KELLY, et al.**

**DEFENDANTS**

**ORDER**

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Patricia S. Harris, and the objections filed. After carefully considering the objections and making a *de novo* review of the record in this case, the Court adopts and approves the Proposed Findings and Recommended Disposition in their entirety.

The motion for summary judgment on exhaustion filed by defendants Marvin Evans, James Gibson, Chuck Gladden, and Wendy Kelley (Doc. No. 34) is DENIED.

Defendants' motion for summary judgment on the merits (Doc. No. 45) is GRANTED, and plaintiff Jerry H. McCroskey's complaint is DISMISSED WITH PREJUDICE.

The Court certifies that an *in forma pauperis* appeal taken from the order and judgment dismissing this action is considered frivolous and not in good faith.

IT IS SO ORDERED this 6th day of June, 2016.

/s/ Billy Roy Wilson  
UNITED STATES DISTRICT JUDGE