

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

**WINSTON HOLLOWAY**  
**ADC #67507**

**PLAINTIFF**

**v.**

**CASE NO: 5:15-CV-00335 BSM**

**RANDY WATSON, et al.**

**DEFENDANTS**

**ORDER**

The recommended disposition (“RD”) submitted by United States Magistrate Judge Beth Deere [Doc. No. 50] and plaintiff Winston Holloway’s objections [Doc. No. 51] have been reviewed. After a review of the record, the RD is adopted with modification.

The RD correctly dismisses Holloway’s claims for the failure to exhaust administrative remedies because he presented no evidence suggesting prison officials impeded his ability to exhaust. Any references to dismissing his claim for refusing to mail his certiorari petition are omitted, however, because granting the motion to amend his complaint [Doc. No. 41] removes that claim, and thus it no longer exists for summary judgment purposes. *See* Doc. No. 50 at 2 (dismissing claim with prejudice); *but see id.* at 6 (dismissing same claim without prejudice).

Accordingly, the motion for summary judgment [Doc. No. 43] is granted, and Holloway’s amended complaint is dismissed without prejudice. It is certified that an *in forma pauperis* appeal would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3).

IT IS SO ORDERED this 31st day of May 2016.

*Brian S. Miller*  
UNITED STATES DISTRICT JUDGE