

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

JAMES E. WHITNEY
ADC #163817

PLAINTIFF

v.

Case No. 5:16-cv-00353 KGB/JTK

WENDY KELLEY, et al.

DEFENDANTS


ORDER

The Court has received Proposed Findings and Recommendations submitted by United States Magistrate Judge Jerome T. Kearney (Dkt. No. 139). Plaintiff James E. Whitney filed objections to the Proposed Findings and Recommendations (Dkt. Nos. 142; 143). After a review of the Proposed Findings and Recommendations and Mr. Whitney's objections, as well as a *de novo* review of the record, the Court adopts the Proposed Findings and Recommendations in their entirety (Dkt. No. 139). It is therefore ordered that defendant Perkins' motion for summary judgment on exhaustion is granted (Dkt. No. 124). Mr. Whitney's claims against defendant Perkins are dismissed without prejudice.

Also before the Court is Mr. Whitney's motion for leave to appeal *in forma pauperis* (Dkt. No. 144). The Court denies Mr. Whitney's motion as incomplete: Mr. Whitney did not provide a certified copy of his prison account for the last six months within 30 days of filing the Notice of Appeal. *See* 28 U.S.C. § 1915(g) ("A prisoner seeking to . . . appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor . . . shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined."). The Clerk of the Court sent Mr. Whitney a copy of the required documentation on August 17, 2017 (Dkt. No. 140).

The Court directs the Clerk to resend Mr. Whitney a copy of the forms he needs to complete in order to appeal *in forma pauperis*.

It is so ordered this 1st day of September, 2017.

A handwritten signature in black ink that reads "Kristine G. Baker". The signature is written in a cursive style with a prominent initial "K".

Kristine G. Baker
United States District Judge