

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

**TOMMY RADFORD
ADC #89900**

PLAINTIFF

V.

CASE NO. 5:17-CV-00006 JM/BD

V. BROOKS, et al.

DEFENDANTS

ORDER

The Court has received a Partial Recommended Disposition (“Recommendation”) from Magistrate Judge Beth Deere. After a careful consideration of the Recommendation, Mr. Radford’s timely objections, and upon a *de novo* review of the record, the Court concludes that the Recommendation should be, and hereby is, approved and adopted as this Court’s findings, except that the Court will allow Mr. Radford to proceed with a failure-to-protect claim against Defendant Mitcham. In his objections, Mr. Radford explained in more detail his allegations against Defendant Mitcham and the Court finds that he has alleged enough facts to proceed with the failure-to-protect claim against him.

Mr. Radford may proceed on his failure-to-protect claims against Defendants Mitcham, Earl, Bradley, Burl, Clark, Brooks, Clorid, Gaines, Stout, Montgomery, and Byrd. His deliberate indifference claims against Defendants Earl and Bradley, his retaliation claims against Defendant Souther and Defendant Mitchum, his excessive force claim against Defendant Mitchum, his deliberate indifference claims against Defendants Brooks and Wooten, his claim that he has not received adequate dental care since his

transfer to the MSU, and his claim against Defendant Spears are DISMISSED, without prejudice.

Mr. Radford also states in his objections that he would like to add Sergeant Charlotte Sanders as a defendant and alleges that Sanders is liable for assault, excessive force and retaliation as a result of her actions on February 17, 2017. There is no indication that Mr. Radford has exhausted his administrative remedies as to these claims. Therefore, it would be futile to add them to his Complaint.

The Clerk is instructed to terminate Defendants Wooten, Johnson, Nunn, and Spears as party Defendants.

IT IS SO ORDERED, this 1st day of March, 2017.



UNITED STATES DISTRICT JUDGE