

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

**ALBERT LEE JOHNSON
ADC #86314**

PLAINTIFF

v.

No. 5:17-cv-195-DPM-JJV

**WANNETTA CLOWERS, APN;
AMANDA GRAY, Nurse; RONALD
STUKEY, Doctor; and PAMELA
ARMOSTER, Nurse, all in their
individual and official capacities**

DEFENDANTS

ORDER

On *de novo* review, the court adopts the partial recommendation. FED. R. CIV. P. 72(b)(3). Clowers and Gray argue that the ADC followed its own policy because Deputy Director Griffin rejected Johnson's appeal for raising new issues. But it was the ADC's unit level response—not Johnson's appeal—that first added specific dates. *No 28-1 at 23-24*. It strains fairness to say that the ADC properly followed its own policy when its personnel investigated and referenced specific dates in Step Two but then rejected an appeal at Step Three for relying on those dates. The Court therefore overrules Clowers and Gray's objections. *No 38 & No 41*. Their motion for partial summary judgment, *No 26*, is partly granted and partly denied. Johnson may proceed with his claims against Clowers and Gray for not providing the correct glaucoma medication from 27 July 2014 to 2 September 2015.

So Ordered.

DP Marshall Jr.
D.P. Marshall Jr.
United States District Judge

2 April 2018