

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

ZECKEYA PERRY
ADC #156241

PLAINTIFF

v.

5:17cv00269-JM-JJV

WENDY KELLEY, Director,
Arkansas Department of Correction; *et al.*

DEFENDANTS


ORDER

The Court has reviewed the Proposed Findings and Partial Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe. No objections have been filed. After careful consideration, the Court concludes that the Proposed Findings and Partial Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS, THEREFORE, ORDERED that:

1. Defendant Foots's Motion for Partial Summary Judgment (Doc. No. 64) is GRANTED.
2. Plaintiff's claims against Defendant Foots are DISMISSED without prejudice for failure to exhaust administrative remedies.
3. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order adopting the recommendations would not be taken in good faith.

DATED this 29th day of June, 2018.



JAMES M. MOODY, JR.
UNITED STATES DISTRICT JUDGE