

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HOT SPRINGS DIVISION

DAVID WILSON

PLAINTIFF

VS.

CASE NO. 6:13-CV-6036

DON NELSON, CORIZON LLC,  
JAMES PRATT, JOHN HAROLD  
AND JIM McLEAN

DEFENDANTS

**ORDER**

Before the Court is the Report and Recommendation filed February 12, 2015 by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 93). Judge Bryant recommends that the Motions for Summary Judgment filed on behalf of the ADC Defendants (Don Nelson, John Harold, and Jim McLean) and the Medical Defendants (Corizon, LLC and James Pratt) be granted. (ECF Nos. 61 & 68). Plaintiff David Wilson has filed objections (ECF No. 94) to the Report and Recommendation. After reviewing the record *de novo*, the Court adopts Judge Bryant's Report and Recommendation as its own.

During the relevant time period, Plaintiff was incarcerated in the Arkansas Department of Corrections Diagnostic Unit in Pine Bluff ("Diagnostic Unit") and the Ouachita River Unit in Malvern, Arkansas ("ORU"). Plaintiff claims he was injured when he fell through a prison barracks ceiling while doing electrical work on his ADC job assignment. Plaintiff argues the ADC Defendants failed to properly train and supervise him, thereby causing his fall and injuries. He argues the Medical Defendants repeatedly delayed or denied medical care after he was injured.

Judge Bryant recommends granting the ADC Defendants' Motion for Summary Judgment

because Plaintiff failed to exhaust his administrative remedies against them in accordance with the Prison Litigation Reform Act (“PLRA”), 42 U.S. C. § 1997e(a). Judge Bryant recommends granting the Medical Defendants’ Motion for Summary Judgment as to Corizon, LLC because Plaintiff failed to exhaust his administrative remedies against them in accordance with the PLRA. While Judge Bryant recommends finding that Plaintiff did exhaust his administrative remedies as to Medical Defendant James Pratt, he recommends granting the Motion for Summary Judgment on the alternative grounds that Plaintiff failed to place sufficient verifying medical evidence in the record to show that delays in his medical treatment caused the injuries alleged in Plaintiff’s Complaint.

After conducting a *de novo* review of the record and considering Plaintiff’s objections<sup>1</sup> to the Report and Recommendation, the Court overrules Plaintiff’s objections and adopts Judge Bryant’s Report and Recommendation. For the reasons stated herein and above, as well as those contained in the Report and Recommendation, the Court finds that Defendants’ Motions for Summary Judgment (ECF Nos. 61 & 68) should be and hereby are **GRANTED**. Plaintiffs’ claims against all Defendants are hereby **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED, this 31st day of March, 2015.

/s/ Susan O. Hickey  
Susan O. Hickey  
United States District Judge

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<sup>1</sup>In the objections, Plaintiff makes essentially the same arguments contained in his responses to Defendants’ Motions for Summary Judgment. These issues were thoroughly addressed in the Report and Recommendation. Accordingly, the Court will not repeat the arguments here.