

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
ARKANSAS, HOT SPRINGS DIVISION

Evis D. Nelson v. Nurse Kelly Aunspaugh, APRN V. Strickland, Dana
Haynes, and Wellpath, LLC

Nelson v. Aunspaugh · No. 6:24-cv-06089 · Decided March 19, 2026

SUMMARY

The United States District Court for the Western District of Arkansas adopted a magistrate judge’s Report and Recommendation in a prisoner civil-rights action alleging inadequate medical care. The court held that the plaintiff’s objections were not specific and found no clear error in the recommendation that the claims be dismissed, including dismissal of the individual-capacity claims without prejudice for failure to exhaust administrative remedies. The case was dismissed without prejudice on March 19, 2026.

CASE DETAILS

COURT	United States District Court for the Western District of Arkansas, Hot Springs Division
WRITING FOR THE COURT	Susan O. Hickey
JURISDICTION	United States District Court for the Western District of Arkansas, Hot Springs Division
DECIDED	March 19, 2026
DOCKET	6:24-cv-06089
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff objected to a magistrate judge's Report and Recommendation recommending summary judgment for Defendants and dismissal without prejudice for failure to exhaust administrative remedies. The district court treated Plaintiff's October 30, 2025 filing as timely objections, found the objections nonspecific, adopted the Report and Recommendation in full, and dismissed the case without prejudice.
STANDARD OF REVIEW	Specific and timely objections to a magistrate judge's Report and Recommendation trigger de novo review; absent specific objections, the district court reviews for clear error on the face of the record. Pro se objections are liberally construed for specificity.

PRECEDENTIAL VALUE	unpublished district court order; nonprecedential
PARTIES	Evis D. Nelson v. Nurse Kelly Aunspaugh, APRN V. Strickland, Dana Haynes, Wellpath, LLC

TOPICS

summary judgment prisoners rights section 1983 bankruptcy civil procedure

PRACTICE AREAS

civil procedure civil rights prisoner litigation health law bankruptcy

QUESTIONS PRESENTED

1. Whether Plaintiff's October 30, 2025 filing constituted timely objections to the magistrate judge's Report and Recommendation.
2. Whether Plaintiff's objections were sufficiently specific to require de novo review.
3. Whether the magistrate judge's recommendation to dismiss the action without prejudice for failure to exhaust administrative remedies should be adopted.
4. Whether the magistrate judge's recommendations concerning Wellpath, LLC and the official-capacity claims should be adopted.

HOLDINGS

1. The October 30, 2025 filing was treated as Plaintiff's timely objections to the Report and Recommendation because it addressed findings made in that recommendation.
2. Because Plaintiff's objections were not specific, the district court reviewed the challenged recommendations for clear error rather than conducting de novo review.
3. The court adopted the recommendation to dismiss Plaintiff's claims without prejudice because he failed to exhaust his administrative remedies before filing suit.
4. The Report and Recommendation was adopted in toto, including the recommendation concerning Wellpath, LLC and the official-capacity claims against its employees.

KEY QUOTATIONS

"The Court finds that Plaintiff's objections are not specific."

"Accordingly, the Court finds that the Report and Recommendation (ECF No. 49) should be and hereby is ADOPTED in toto. This case is hereby DISMISSED WITHOUT PREJUDICE."

FACTUAL BACKGROUND

Nelson alleged that prison medical personnel refused to honor or reschedule a surgery appointment for his fractured tailbone, failed to place him on a doctor's list, failed to schedule an oncology appointment, and failed

to copy or communicate information about his appointment. He filed six grievances during the relevant period, but only three related to the claims in the lawsuit, and he did not appeal those grievances. He brought claims under 42 U.S.C. § 1983 against the individual Defendants and Wellpath, LLC in individual and official capacities.

PROCEDURAL HISTORY

Nelson filed a 42 U.S.C. § 1983 action alleging denial of medical care and later filed an Amended Complaint asserting claims against the individual Defendants in their individual and official capacities. Defendants moved for summary judgment based on failure to exhaust administrative remedies. Magistrate Judge Christy D. Comstock recommended dismissal without prejudice, including dismissal of Wellpath-related claims based on Wellpath's bankruptcy discharge. The district court considered Nelson's objections, found no clear error in the unobjected-to recommendations, adopted the Report and Recommendation in toto, and dismissed the case without prejudice.

DISPOSITION

dismissed

CASES CITED

- Anderson v. Evangelical Lutheran Good Samaritan Soc’y, 308 F. Supp. 3d 1011, 1015 (N.D. Iowa 2018)
- Thompson v. Nix, 897 F.2d 356, 358-59 (8th Cir. 1990)
- Hudson v. Gammon, 46 F.3d 785, 786 (8th Cir. 1995)
- Grinder v. Gammon, 73 F.3d 793, 795 (8th Cir. 1996)
- Gibson v. Weber, 431 F.3d 339, 341 (8th Cir. 2005)