

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
BATESVILLE DIVISION**

**ANGELA DENISE WILSON
ADC #708565**

PLAINTIFF

V. NO: 1:08CV00041 BSM

JOHN MAPLES *et al.*

DEFENDANTS

ORDER

The court has received the recommended disposition from United States Magistrate Judge H. David Young, and the objections filed by plaintiff Angela Denise Wilson. After carefully reviewing the recommended disposition, the objections, and reviewing the record *de novo*, it is concluded that the recommended disposition should be, and hereby is, approved and adopted in all respects in its entirety.

In her objection, Wilson correctly states that her suit does not challenge the constitutionality of the prison grooming policy. Rather, she challenges the method by which the policy was applied to her. The record clearly shows that the grooming policy needed to be clarified for prison employees and that warden John Maples did so by memo dated July 7, 2008. Although these points are important, misinterpretation and misapplication of the policy to Wilson is not a constitutional violation. *See Gardner v. Howard*, 109 F.3d 427, 430 (8th Cir. 1997). A disciplinary charge based on a misinterpretation of the policy is also not a constitutional violation. *See Sprouse v. Babcock*, 870 F.2d 450, 452 (8th Cir. 1989).

Defendants' motion for summary judgment (docket entry #170) is GRANTED, and plaintiff's complaint is DISMISSED WITH PREJUDICE. It is certified that an *in forma*

pauperis appeal taken from the order and judgment dismissing this action is considered frivolous and not in good faith.

IT IS SO ORDERED this 27th day of May, 2010.

Brian S. Miller
UNITED STATES DISTRICT JUDGE