

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

**AMBER YBARRA  
ADC # 710487**

**PLAINTIFF**

**V.**

**CASE NO. 1:11CV00057 JMM/BD**

**ARKANSAS DEPARTMENT  
OF CORRECTION, *et al.***

**DEFENDANTS**

**ORDER**


The Court has received the Partial Recommended Disposition from Magistrate Judge Beth Deere. After careful review of the recommendation, the timely objections received thereto<sup>1</sup>, as well as a *de novo* review of the record, the Court concludes that the Partial Recommended Disposition should be, and hereby is, approved and adopted as this Court's findings in all respects.

Ms. Ybarra's due process claim against Defendant Dixon is DISMISSED with prejudice and her state law tort claims of assault and battery against Defendant Dixon are DISMISSED without prejudice. Her claims against the Arkansas Department of Correction are DISMISSED with prejudice. Further, Plaintiff's Motion to Amend her Complaint (Docket # 12) is DENIED because it is futile. *See* Fed. R. Civ. P. 15(a); *Becker v. Univ. Of Neb. at Omaha*, 191 F.3d 904, 907-08 (8<sup>th</sup> Cir. 1999).

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<sup>1</sup> The Court has considered Plaintiff's Motion to Amend her Complaint as an objection to the Partial Recommended Disposition because Plaintiff attempts to include a due process claim against Defendants Hoot and Dixon in the Amended Complaint.

IT IS SO ORDERED, this 16th day of August, 2011.

  
UNITED STATES DISTRICT JUDGE