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

ANTHONY HENRY
ADC #140754 PLAINTIFF

v. No. 1:14-cv-71-DPM-BD

KANE SPICER, Corporal, Grimes Unit DEFENDANT

ORDER

Unopposed recommendation, *№ 23*, adopted with corrections* as modified. FED. R. CIV. P. 72(b) (1983 Addition to Advisory Committee Notes). Henry's claim is one of disparate treatment, not disparate impact. Nonetheless, Henry has not identified affirmative evidence from which a jury could find discriminatory motive. *Lewis v. Jacks*, 486 F.3d 1025, 1028 (8th Cir. 2007). Motion for summary judgment, *№ 19*, granted. Henry's equal protection claim will be dismissed with prejudice.

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*The *Anderson v. Liberty Lobby, Inc.*, citation on page 2 should be to pages 247–48 of the opinion. In the second paragraph under the "Equal Protection Claim" heading, the two citations to "(#4, p. 22)" should be to *№ 20-3 at 5–6*. And the *Weiler v. Purkett* quote on page 3 should read: "The heart of an equal protection claim is that similarly situated classes of inmates are treated differently, and that this difference in treatment bears no rational relation to any legitimate penal interest."

So Ordered.

D.P. Marshall Jr.
United States District Judge

10 August 2015