

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

**STEVE S. BADER
ADC #96787**

PLAINTIFF

v.

Case No. 1:15-cv-00018-KGB-BD

RUSH, et al.

DEFENDANTS


ORDER

The Court has received the Recommended Disposition (“Recommendation”) filed by Magistrate Judge Beth Deere (Dkt. No. 13). After careful review of the Recommendation, Mr. Bader’s objections (Dkt. Nos. 14, 16), as well as a *de novo* review of the record, the Court concludes that the Recommendation should be, and hereby is, approved and adopted as this Court’s findings in all respects.

The Court writes separately to address Mr. Bader’s objections. Mr. Bader cites *Bonner v. Coughlin*, 517 F.3d 1311 (7th Cir. 1975), which is not controlling on this Court. Moreover, *Bonner*’s holding regarding the Fourth Amendment’s application to searches of prisoner’s cells has been abrogated by the Supreme Court. *See Hudson v. Palmer*, 468 U.S. 517, 529 (1984) (concluding that “prisoners have no legitimate expectation of privacy and that the Fourth Amendment’s prohibition on unreasonable searches does not apply in prison cells”). *Bonner* also is consistent with Judge Deere’s dismissal of Mr. Bader’s loss of personal property claim. *See Bonner*, 517 F.2d at 1320 (“[W]e are persuaded that the availability of traditional and adequate state procedures for the redress of ordinary property damage tort claims forestalls the conclusion that there has been any deprivation of plaintiff’s property without due process of law within the meaning of the Fourteenth Amendment.”).

Mr. Bader's claims are dismissed without prejudice. His motions for summary judgment and motion to appoint counsel are denied as moot (Dkt. Nos. 9, 10, 15).

SO ORDERED this the 21st day of May, 2015.



KRISTINE G. BAKER
UNITED STATES DISTRICT JUDGE