

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

**REGINALD BAILEY,
ADC #093252**

PLAINTIFF

v.

Case No. 1:16-cv-00125 KGB/BD

RONALD GILLIHAND, et al.

DEFENDANTS

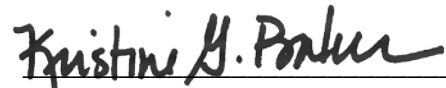
ORDER

The Court has received three Partial Recommended Dispositions filed by United States Magistrate Judge Beth Deere (Dkt. Nos. 12, 18, 21). The parties have not filed objections to any of these Partial Recommended Dispositions, and the time for filing objections has passed. After careful review of the Partial Recommended Dispositions, the Court concludes that the Partial Recommended Dispositions should be, and hereby are, approved and adopted as this Court's findings in all respects.

Two of the Partial Recommended Dispositions address claims raised by plaintiff Reginald Bailey in his original and amended complaints (Dkt. Nos. 12, 18). By adopting these Partial Recommended Dispositions, this Court dismisses without prejudice Mr. Bailey's claims against separate defendants White and Kelley; dismisses with prejudice Mr. Bailey's Health Insurance Portability and Accountability Act ("HIPAA") claims against separate defendant Ronald Gilliland; dismisses with prejudice Mr. Bailey's claims for money damages against Mr. Gilliland in his official capacity; and denies as moot Mr. Gilliland's request to dismiss Mr. Bailey's due process claims, as Mr. Bailey alleges no due process claims in his filings. Instead, Mr. Bailey alleges a retaliatory discipline claim, asserting he was disciplined as a result of exercising his constitutional rights.

Mr. Bailey then filed a second amended complaint (Dkt. No. 17). Mr. Gilliland filed a motion to dismiss this second amended complaint (Dkt. No. 19). By adopting the third Partial Recommended Disposition, the Court denies Mr. Gilliland's motion to dismiss (Dkt. Nos. 19, 21). Mr. Gilliland's motion to dismiss Mr. Bailey's HIPAA claims, due process claims, and claims for money damages against Mr. Gilliland in his official capacity are denied as moot, as this Court has already addressed and ruled on these claims by adopting prior Orders (Dkt. Nos. 12, 18). Mr. Bailey is not permitted to proceed on those claims. Mr. Bailey is permitted to proceed on his retaliation claim and his failure-to-protect claim against Mr. Gilliland.

So ordered this the 27th day of June, 2017.



Kristine G. Baker

United States District Judge