

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

MATTHEW W. BARNETT

PLAINTIFF

v.

CASE NO. 1:16-CV-00156 BSM

WENDY KELLEY, et al.

DEFENDANTS

ORDER

The recommended disposition (“RD”) submitted by United States Magistrate Judge Beth Deere [Doc. No. 30] and plaintiff Matthew Barnett’s objections [Doc. No. 36] have been reviewed. After reviewing the record, which includes Barnett’s motions filed after the RD was docketed [Doc. Nos. 33, 35, 38], the RD is adopted with the modification that dismissal is with prejudice. It is worth noting that Barnett’s claims against individual staff members under Title II of the Americans with Disabilities Act (“ADA”) also fail because Title II is not actionable against individuals. *See, e.g., Turner v. Mull*, 997 F. Supp. 2d 985, 997 (E.D. Mo. 2014) (dismissing prison staff members).

Accordingly, Barnett’s complaint [Doc. No. 3] is dismissed with prejudice. All pending motions are denied as moot.

IT IS SO ORDERED this 15th day of February 2017.


UNITED STATES DISTRICT JUDGE