

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

**RENO MUHAMMAD
ADC # 95059**

PLAINTIFF

v.

No. 2:12-cv-26-DPM-BD

**TOMMIE G. LOVIN, Jail Administrator,
Monroe County Jail; EDNA SMITH, Cook,
Monroe County Jail; C. MURPHY, Captain,
Monroe County Jail; and DONNA SMITH,
Jailer, Monroe County Jail**

DEFENDANTS

ORDER

Muhammad has not objected to Magistrate Judge Beth Deere's recommendation, *Document No. 29*, that his second motion to amend his complaint be denied. He has, however, filed a motion to extend his time to object. *Document No. 35*. The Court has already ruled that Muhammad can't add the claims at issue because he cannot have exhausted them before filing this lawsuit. And the parties recently consented to have Judge Deere handle this case to judgment. Under the circumstances the Court denies Muhammad's motion to extend time. The Court will, however, review Judge Deere's recommendation *de novo* in light of his intention to object. FED. R. CIV.

P. 72(b) (1983 addition to Advisory Committee notes). On *de novo* review, the Court adopts Judge Deere's proposal as its own.

Muhammad's third motion to amend, *Document No. 33*, is also denied. Muhammad seeks to add a claim for deliberate indifference. The Court assumes this is related to his allegations that the jail served him spoiled tuna fish. But twice now the Court has denied him leave to add those claims. Muhammad's allegations in his original complaint, *Document No. 2*, could not support a claim for deliberate indifference. The Court declines to allow this futile amendment. *Holloway v. Dobbs*, 715 F.2d 390, 392-93 (8th Cir. 1983) (*per curiam*).

Partial report and recommendations, *Document No. 29*, adopted in full. Motions, *Document Nos. 20, 33 & 35*, denied.

So Ordered.


D.P. Marshall Jr.
United States District Judge

11e May 2012