

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

DANNY LEE HOOPER  
ADC #107609

PLAINTIFF

V.

NO: 2:12CV00048 SWW/HDY

WESLEY JAMISON *et al.*

DEFENDANTS

**ORDER**

Plaintiff Danny Lee Hooper, currently incarcerated at the Tucker Unit of the Arkansas Department of Correction (“ADC”), filed a *pro se* complaint, pursuant to 42 U.S.C. § 1983, on March 19, 2012. This complaint was previously filed on September 10, 2009, but was dismissed on September 19, 2011. *See Hooper v. Jamison*, ED/AR No. 2:09CV135.

On May 4, 2012, Plaintiff filed a motion seeking reconsideration of the dismissal of his claims against Todd Ball and Greg Harmon (docket entry #5). Ball and Harmon are not Defendants in this lawsuit, so in essence, Plaintiff is also seeking leave to amend his complaint to add them as Defendants. Although Ball and Harmon are not Defendants in this matter, they were Defendants in Plaintiff’s previous case. In that case, on November 4, 2010, the undersigned adopted the recommendation of United States Magistrate Judge Beth Deere to grant Ball’s and Harmon’s motion dismiss Plaintiff’s claims against them. That dismissal was with prejudice, and Plaintiff had an opportunity to, and in fact did, object to Judge Deere’s recommendation before it was adopted. Plaintiff appears to suggest that the dismissal was premature because it was prior to his exhausting grievance EA-09-01071. However, that grievance was exhausted on June 2, 2010, months before his claims against Ball and Harmon were dismissed (docket entry #2, page #14). Any arguments Plaintiff seeks to raise as to his claims against Ball and Harmon should have been raised in his

previous case before their dismissal. Thus, Plaintiff's motion for reconsideration (docket entry #5) is DENIED.

IT IS SO ORDERED this 17<sup>th</sup> day of May, 2012.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE