

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

**CHARLES A. WINSTON
ADC # 84733**

PLAINTIFF

v.

No. 2:12-cv-147-DPM-BD

**GREG HARMON, Warden, East
Arkansas Regional Unit, ADC; and
CLAUDIA HARRIS, ADC**

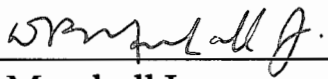
DEFENDANTS

ORDER

The Court has considered Magistrate Judge Beth Deere's Partial Recommended Disposition, *No. 24*, and Defendants' lengthy objections, *No. 25*. On *de novo* review, the Court adopts Judge Deere's decision in full. FED. R. CIV. P. 72(b)(3). Defendants' motion for judgment on the pleadings, *No. 16*, is granted in part and denied in part. Defendants' new standing argument can't get past *Farmer v. Brennan*, 511 U.S. 825, 845 (1994) and *Burgess v. Moore*, 39 F.3d 216, 218 (8th Cir. 1994). Winston's deliberate indifference and retaliation claims remain. Winston's claims against Defendants in their official capacities for money damages are dismissed with prejudice. His claims for compensatory damages and injunctive relief are dismissed without prejudice.

The qualified-immunity issue should be further ventilated as the case proceeds.

So Ordered.



D.P. Marshall Jr.
United States District Judge

16 October 2013