

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

**DEVERICK SCOTT  
ADC #131042**

**PLAINTIFF**

**V.**

**No. 2:12CV00190 SWW-BD**

**RAY HOBBS, *et al.***

**DEFENDANTS**

**ORDER**

Magistrate Judge Beth Deere has filed a Partial Recommended Disposition (“Recommendation”) addressing Mr. Scott’s motion for partial summary judgment and his motion to amend his complaint. (Docket entries #31 and #42) After a careful review of the Recommendation and the objections, as well as a *de novo* review of those portions of the record to which the parties object, the Court concludes that the Partial Recommendation should be adopted as this Court’s findings in all respects.

Mr. Scott’s motion for partial summary judgment (#31) is DENIED. Mr. Scott’s due process claims against Defendants Payne and Minor are DISMISSED, with prejudice.

Mr. Scott’s motion to amend his complaint (#42) is GRANTED in part and DENIED in part. The Clerk of the Court is directed to docket Mr. Scott’s motion to amend his complaint as his amended complaint. Mr. Scott may proceed on his retaliation claim against Defendant Jones, Lockhart, and Birdswell. He may also proceed on his excessive force claim against Defendant Lane, and his failure-to-protect claim against Defendants Lockhart and Birdswell. Mr. Scott’s remaining claims regarding the

confiscation of his personal property and the violation of his Due Process rights are dismissed. Service for Defendants Lockhart and Birdswell is now appropriate.

The Clerk of Court is directed to prepare summonses for Defendants Lane, Lockhart, and Birdwell. The United States Marshal is directed to serve copies of the Complaint and the Amended Complaint, with any attachments, and a summons for these Defendants without requiring prepayment of fees and costs or security. Service for these Defendants should be through the Arkansas Department of Correction Compliance Division, P.O. Box 20550, Pine Bluff, Arkansas 71612.

IT IS SO ORDERED, this 3<sup>rd</sup> day of April 2013.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE