

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

**JOHNATHAN MONTGOMERY  
ADC #145493**

**PLAINTIFF**

**v.**

**CASE NO. 2:12CV00236 BSM**

**D. PAYNE, Warden, East Arkansas  
Regional Unit, ADC et al.**

**DEFENDANTS**

**ORDER**

The proposed findings and recommended partial disposition submitted by United States Magistrate Judge Joe J. Volpe have been reviewed. No objections have been filed. After careful consideration, it is concluded that the proposed findings and recommended partial disposition should be, and hereby are, approved and adopted in their entirety in all respects.

IT IS THEREFORE ORDERED that:

1. Plaintiff's claims against Sargent B. Woodard are dismissed for failure to state a claim on which relief may be granted and he is dismissed as a defendant in this action.
2. To the extent that plaintiff seeks his early release, such relief is not available under § 1983.

DATED this 7th day of February 2013.

  
UNITED STATES DISTRICT JUDGE