

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

DONALD WINNETT  
ADC #139544

PLAINTIFF

v.

No. 2:13-cv-47-DPM-BD

DeANGELO M. EARL, Major,  
East Arkansas Regional Unit, ADC;  
LORIE A. TAYLOR, Hearing Officer,  
Arkansas Department of Correction

DEFENDANTS

ORDER

Winnett has objected to Magistrate Judge Beth Deere's recommendation, *No. 8*, that the Court dismiss his due process claims without prejudice. On *de novo* review, FED. R. CIV. P. 72(b)(3), the Court adopts Judge Deere's recommendation as its own opinion. Winnett agrees with Judge Deere's recommendation that the Court dismiss the official-capacity claims, and helpfully moves to clarify that he is suing Earl and Taylor in their individual capacities only. That motion, *No. 18-1*, is granted. The case will go forward against Earl and Taylor individually on Winnett's retaliation claim.

So Ordered.

*D.P. Marshall Jr.*  
D.P. Marshall Jr.  
United States District Judge

*22 May 2013*