

**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 and LORIE A. TAYLOR,
Hearing Officer, ADC**

DEFENDANTS

ORDER

The Court has considered Magistrate Judge Beth Deere's recommendation, *No 79*, and Winnett's objections, *No 80*. On *de novo* review, FED.R.CIV.P. 72(b)(3), the Court adopts the recommendation. Winnett agrees with dismissal of his retaliation claim against Taylor. Winnett's retaliation claim against Taylor is dismissed without prejudice for failure to exhaust. *No 80 at 1*. Winnett's retaliation claim against Earl is dismissed with prejudice. Motion for summary judgment, *No 72*, granted.

So Ordered.

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

14 January 2014