

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

JOHN T. MOSS,  
ADC #79311

PLAINTIFF

v.

No. 2:13-cv-117-DPM-HDY

CORIZON CMS, medical provider, ADC;  
ARKANSAS DEPARTMENT OF CORRECTION;  
CORIZON INC.; RICK HALLWORTH, Corizon;  
KEVIN BILE, Corizon; J.M. COURTNEY, Corizon;  
JACK DAVIDSON, Doctor, Corizon; PEARSON,  
Doctor, Corizon; OJIUGO IKO, Doctor, Corizon;  
ROLAND ANDERSON, Doctor, Corizon;  
JENNIFER MCBRIDE, Corizon; CONNIE  
HUBBARD, Nurse, Corizon; JOE ANN BURNETT,  
Nurse, Corizon; LARRY MAY, ADC; WENDY KELLY,  
ADC; GRANT HARRIS, ADC; JIMMY BANKS,  
ADC; DARYL GOLDEN, ADC; CLARK, Captain,  
ADC; BRADLEY, Lieutenant, ADC; BARROW,  
Lieutenant, ADC; TATE, Sergeant, ADC;  
YOUNG, Sergeant, ADC; MADDEN, Sergeant,  
ADC; C. JONES, Sergeant, ADC; GARDNER,  
Sergeant, ADC; THOMPSON, Sergeant, ADC;  
TURNER, Correctional Officer, ADC;  
RAYFORD, Correctional Officer, ADC; POWELL,  
Correctional Officer, ADC; KNIGHT, Correctional  
Officer, ADC; S. HUDSON, Correctional Officer,  
ADC; AUSTON, Correctional Officer, ADC;  
HUDGENS, Correctional Officer, ADC; MOTON,  
Correctional Officer, ADC; SHORTER, Correctional  
Officer, ADC; DOBBS, Correctional Officer, ADC;  
LOUIS, Correctional Officer, ADC; and SHABAZE,  
Correctional Officer, ADC

DEFENDANTS

## ORDER

The Court has considered Magistrate Judge H. David Young's proposed findings and recommendations, No. 9. Moss has not objected. After reviewing the proposal for clear factual error and for legal error, FED. R. CIV. P. 72(b)(3) (1983 addition to advisory committee notes), the Court adopts it. Moss has filed a motion for injunctive relief, requesting more access to the law library, No. 11. The two legal issues covered in the proposed partial disposition—Eleventh Amendment immunity and a duplicated party—are clear; no amount of library access could have helped Moss prepare a successful objection. The Court will wait for a recommendation from Judge Young about Moss's library access in general, which is, of course, important to Moss's ability to press his case forward. Moss's claims against the Arkansas Department of Correction are dismissed with prejudice, and his claims against Corizon CMS are dismissed without prejudice.

So Ordered.

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

13 December 2013