

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

DELWRICK D. COLEMAN,  
ADC #656538

PLAINTIFF

v.

No. 2:13CV00131 JLH-JTK

D. LOCKHART, *et al.*

DEFENDANTS

**ORDER**

The Court has received proposed findings and recommendations from United States Magistrate Judge Jerome T. Kearney. After a review of those proposed findings and recommendations, and the timely objections received thereto, as well as a *de novo* review of the record, the Court adopts them with the following exception. The proposed findings stated that Delwrick Coleman's complaint admits that he refused Lockhart's orders to remove a blanket hanging in his cell and that he used profanity against Lockhart during the incident. Coleman objects because he did not allege that he refused the order to remove a blanket hanging from his cell. Even so, he admits that he used profanity toward Lockhart, as well as a racial epithet, which would be considered insolence. Both the use of profanity and insolence toward a correctional officer are a violation of the rules of the Arkansas Department of Correction. Furthermore, even though Coleman did not allege that he refused an order to remove the blanket, he does allege that he refused a direct order of another correctional officer, Lieutenant Lane, to submit to restraints. Document #2 at 4. Those facts are repeated in the denial of the grievance appeal that is attached to Coleman's complaint. Document #2 at 16. As Magistrate Judge Kearney concluded, there was some evidence to report the disciplinary decision, and Coleman admits that the evidence existed in his complaint.

IT IS, THEREFORE, ORDERED that:

1. Plaintiff's false disciplinary allegations against defendants Lockhart, Eldridge, Williams, and Doe are DISMISSED for failure to state a claim.

2. Plaintiff's grievance and disciplinary appeal allegations against defendants Williams, Burl, and May are DISMISSED for failure to state a claim.

3. Defendants Williams, Burl, Doe, and May are DISMISSED from plaintiff's complaint.

IT IS SO ORDERED this 1st day of November, 2013.

  
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J. LEON HOLMES  
UNITED STATES DISTRICT JUDGE