

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

ANTHONY ELLIS,
REG #22149-076

PLAINTIFF

v.

2:14CV00094-JM-JTK

ANTHONY HAYNES, et al.

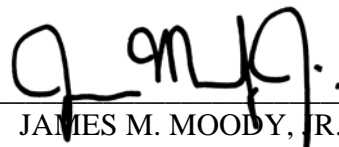
DEFENDANTS

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 in their entirety. In his Objections, Plaintiff claims that he named Anthony Haynes because he was the Warden of FCI Forrest City and all staff was under his supervision. Plaintiff claims that he named Thomas Kayne because he was the Director of the Bureau of Prisons and all employees acted under his direction. However, supervisors are not liable for Eighth Amendment violations based upon a respondeat superior theory. *Choate v. Lockhart*, 7 F.3d 1370 (1993). Plaintiff's allegations regarding Defendants Ward, Graham, and Cook, if taken as true, do not amount to a constitutional violation or a violation of the Americans with Disabilities Act.

Accordingly, IT IS, THEREFORE, ORDERED that Defendants Haynes, Kayne, Hoy, Graham, Ward, and Cook are DISMISSED, for failure to state a claim upon which relief may be granted.

IT IS SO ORDERED this 21st day of November, 2014.



JAMES M. MOODY, JR.
UNITED STATES DISTRICT JUDGE