

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

MU'MIN ABDULAZIZ ASKEW
ADC #082276

PLAINTIFF

v.

No. 2:14-cv-142-DPM

DANNY BURL, Warden, EARU; DeANGELO
EARL, Deputy Warden, EARU; DAVID MILLS,
Building Major, EARU; MARY COBB; ALEX BRAY,
Chaplain, EARU; TED AUSTIN, ACC Officer,
EARU; BRETT BUTLER, Doctor, EARU;
WILLIAM GAY; VALERIE WESTBROOK,
Classification Officer; TIFFANY MANN, Lieutenant;
and MONICKA BRANSCUMB, Nurse

DEFENDANTS

ORDER

On *de novo* review, the Court adopts the recommendation, No 49, and overrules Askew's objections, No 52. FED. R. CIV. P. 72(b)(3). Askew's notice of appeal, No 44, was premature and does not deprive this Court of jurisdiction to consider the recommendation and enter final judgment. FED. R. APP. P. 4(a)(1)(A); 28 U.S.C. § 1291; *see also Dieser v. Continental Casualty Company*, 440 F.3d 920, 923–27 (8th Cir. 2006). Askew's remaining claims will be dismissed without prejudice for failure to pay the filing fee. Butler and Branscomb's motion to dismiss, No 30, is denied as moot.

So Ordered.

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

8 September 2015