

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

**DONALD F. WINNETT  
ADC #139544**

**PLAINTIFF**

**v.**

**Case No. 2:16-cv-00013-KGB-BD**

**ALEX BRAY, et al.**

**DEFENDANTS**

**ORDER**

The Court has reviewed the Partial Recommended Disposition submitted by United States Magistrate Judge Beth Deere (Dkt. No. 31). Plaintiff Donald F. Winnett filed objections to the Partial Recommended Disposition (Dkt. No. 33). After careful consideration of the Partial Recommended Disposition and Mr. Winnett's objections, and a *de novo* review of the record, the Court concludes that the Partial Recommended Disposition should be, and hereby is, approved and adopted in its entirety as this Court's findings in all respects (Dkt. No. 31).

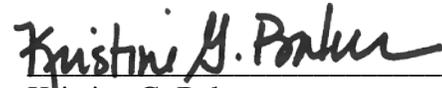
It is therefore ordered that defendants' motion to dismiss is granted in part and denied in part (Dkt. No. 15).

1. The Court denies defendants' motion to dismiss claims under the Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C.A. §§ 2000cc, *et seq.*, and the First Amendment.

2. The Court denies as moot defendants' motion to dismiss any claims under the Equal Protection Clause; the Court agrees with Judge Deere that plaintiff Donald Winnett did not raise any Equal Protection claims in his complaint (Dkt. No. 31, at 6). Mr. Winnett's objections to the Partial Recommended Disposition are not sufficient to amend his complaint to include an Equal Protection claim. *See In re Iowa Ready-Mix Concrete Antitrust Litig.*, 768 F.Supp.2d 961, 976–77 (N.D. Iowa 2011).

3. The Court grants defendants' motion to dismiss claims for money damages against them in their official capacities.

Dated this 12th day of September, 2016.

A handwritten signature in black ink, reading "Kristine G. Baker". The signature is written in a cursive style with a horizontal line underneath it.

Kristine G. Baker  
United States District Judge