

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

**CLOYD NATION,  
ADC #144536**

**PLAINTIFF**

v.

**CASE NO. 2:16-CV-00134 BSM**

**DICKERSON, et al.**

**DEFENDANTS**

**ORDER**

On April 14, 2017, the defendants' motion to dismiss plaintiff Cloyd Nation's access to courts claim was granted. Doc. No. 33 (rejecting recommended disposition and granting motion to dismiss). As defendants' brief in support explained, after the access to courts claim is dismissed, the related claims against defendants Lay and Wendy Kelley for failing to take corrective action after receiving notice that Nation's right to access the courts was being impeded should be dismissed. *See* Doc. No. 2 at 8. Indeed, without the access to courts claim, Lay and Kelley cannot be liable. *See Choate v. Lockhart*, 7 F.3d 1370, 1376 (8th Cir. 1993) ("Moreover, [defendant] did not fail to take 'corrective action' for constitutional violations here because there were no predicate violations to correct in the first place.").

Accordingly, Nation's remaining claims against Lay and Kelley are also dismissed with prejudice.

IT IS SO ORDERED this 20th day of April 2017.

*Brian S. Miller*  

---

UNITED STATES DISTRICT JUDGE