

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

MORRIS B KOONTZ
ADC #115260

PLAINTIFF

v.

No. 2:24-cv-54-DPM-JJV

DEXTER PAYNE, Director, ADC;
WILLIAM STRAUGHN, Deputy Director,
ADC; MOSES JACKSON, Warden,
EARU, ADC; GAYLON LAY, Warden,
Pine Bluff Unit, ADC; TIMOTHY OWEN,
Mental Health Supervisor, WellPath,
EARU, ADC; GRAY, Former Doctor,
WellPath, EARU, ADC; D. JOHNSON,
Former Mental Health Counselor,
WellPath, EARU, ADC; MARK
RICHARDSON, Warden, EARU Max
Unit, ADC; TYRONE ALLISON, Major,
EARU, ADC; SCOTT TAYLOR, Major,
EARU Max Unit, ADC; M. DALE REED,
Deputy Director, ADC; JUDY TAYLOR,
PREA Coordinator, ADC; DOES, ADC;
CHRISTOPHER JOHNSON, Deputy
Warden, EARU, ADC; and SHIRLEY
BELL, Kitchen Commander, EARU, ADC

DEFENDANTS

ORDER

On *de novo* review, the Court adopts Magistrate Judge Volpe's partial recommendation, *Doc. 12*, and overrules Koontz's objections, *Doc. 13*. Fed. R. Civ. P. 72(b)(3). Koontz's "class-of-one" equal

protection claim is improper in this type of case. See *Doc. 23* in *McDonald v. Golden*, Case No. 1:17-cv-66-DPM (E.D. Ark. 4 July 2018); *report and recommendation adopted, Doc. 25* in Case. No. 1:17-cv-66-DPM (E.D. Ark. 21 August 2018). Even if it were proper, Koontz hasn't pleaded enough facts to state a claim. *Robbins v. Becker*, 794 F.3d 988, 996 (8th Cir. 2015).

Koontz's timely due process claims against Director Payne, Deputy Director Straughn, Deputy Director Reed, Warden Richardson, Deputy Warden Christopher Johnson, and Warden Jackson go forward. His other claims are dismissed without prejudice. The Court directs the Clerk to terminate Warden Lay, Owen, Gray, D. Johnson, Major Allison, Major Scott Taylor, Judy Taylor, Bell, and the Does as defendants in this case. Any *in forma pauperis* appeal from this Order would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

30 August 2024