

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

**DANZEL STEARNS** **PLAINTIFF**

**VS.** **3:16CV00339-BRW-JJV (lead case)**

**INMATE SERVICES CORPORATION;  
and DOES 1 to 100** **DEFENDANTS**

**MICHAEL PETERS** **PLAINTIFF**

**vs.** **3:18CV00015-BRW (consolidated case)**

**INMATE SERVICES CORPORATION** **DEFENDANT**

**NATIONAL CONTINENTAL INSURANCE COMPANY** **INTERVENING PLAINTIFF**

**vs.**

**DANZEL STEARNS;  
INMATE SERVICES CORPORATION;  
DOES 1 to 100;  
SCOTTSDALE INSURANCE COMPANY** **INTERVENING DEFENDANTS**

**ORDER**

I have reviewed the Proposed Findings and Recommended Disposition (Doc. No. 85) submitted by United States Magistrate Judge Joe J. Volpe and Plaintiff's objections. After carefully considering the objections and making a *de novo* review of the record, I approve and adopt the Proposed Findings and Recommended Disposition in all respects.

Accordingly, Defendants' Motion for Summary Judgment (Doc. No. 70) is GRANTED IN PART and DENIED IN PART as set out below:

1. Plaintiff's § 1983 claims against Defendants ISC and Does are DISMISSED with prejudice; and
2. All remaining state law claims brought by Plaintiff and the Intervenors are DISMISSED without prejudice.

3. Plaintiff's Motion for Class Certification (Doc. No. 50) is DENIED as MOOT..

This case is CLOSED.

Consolidation of this case with *Peters v. Inmate Services Corp.*, 3:18CV00015 BRW is TERMINATED and the two cases are SEVERED. The pending motion for Class Certification (Doc. No. 80) and the Motion for Extension of Time (Doc. No. 89) should now be pending in the other case -- 3:18CV00015 BRW.

IT IS SO ORDERED this 28th day of November, 2018.

/s/ Billy Roy Wilson \_\_\_\_\_  
UNITED STATES DISTRICT JUDGE