

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

**ALONZO GILLIAM, III
ADC #98194**

PLAINTIFF

v.

CASE NO: 4:14CV00545 BSM

NORMAN L. HODGES, JR., et al.

DEFENDANTS

ORDER

On December 3, 2014, a hearing was conducted on plaintiff Alonzo Gilliam's objections to the recommended disposition filed by United States Magistrate Judge H. David Young. Gilliam is suing members of the Arkansas State Claims Commission, claiming they wrongfully dismissed his complaint to recover misplaced items taken from him during his incarceration in the Arkansas Department of Correction. It appears that Gilliam simply wants his property back.

Although Gilliam appeared very sincere, his case must be dismissed because the law does not allow his case to proceed, nor does it permit the relief he seeks. What makes this dismissal difficult, however, is that it appears the Claims Commission may have simply dismissed Gilliam's claims out of hand, without giving him proper consideration. As noted in the recommended disposition, however, Gilliam cannot re-litigate his Claims Commission case here. *See Steffen v. Housewright*, 665 F.2d 245, 246–47 (8th Cir. 1981).

Accordingly, the proposed findings and recommended disposition are hereby adopted in part. Gilliam's complaint is dismissed with prejudice for failure to state a claim upon which relief may be granted, however, the dismissal will not count as a "strike" for the

purposes of 28 U.C.C. § 1915(g).

IT IS SO ORDERED this 7th day of January 2015.



UNITED STATES DISTRICT JUDGE