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

GEORGE GUTHRIE **PLAINTIFF**
ADC #163208

v. **Case No. 4:16-cv-00613-KGB/BD**

MELANIE D JONES-FOSTER, *et al.* **DEFENDANTS**

ORDER

The Court has received a Recommended Disposition filed by United States Magistrate Judge Beth Deere (Dkt. No. 28). Plaintiff George Guthrie timely filed objections (Dkt. No. 30). After careful review of the Recommended Disposition, the Court adopts in part and declines to adopt in part the Recommended Disposition (Dkt. No. 28).

The Recommended Disposition contains three recommendations:

1. A motion for summary judgment filed by defendants Melanie D. Jones-Foster, Lucky Abhulimen, Vesta Mullins-Blanks, and Robert Dempster should be granted (Dkt. No. 17);

2. Mr. Guthrie's motion for summary judgment should be denied (Dkt. No. 21); and

3. This lawsuit should be dismissed without prejudice.

(Dkt. No. 28, at 4). In his objections, Mr. Guthrie states that he does not object to dismissing this action against Ms. Jones-Foster, Mr. Abhulimen, and Mr. Dempster (Dkt. No. 30, at 1). He also does not object to the dismissal of his deliberate indifference claim against Ms. Mullins-Blanks (*Id.*). However, Mr. Guthrie notes that he was permitted to file an amended complaint raising retaliation claims against Ms. Mullins-Blanks and Warden Cashion, who was not an original party in this action (*Id.*, Dkt. No. 27, at 1). He objects to the dismissal of these claims (Dkt. No. 31, at 1).

The Court adopts in part and declines to adopt in part the Recommended Disposition (Dkt. No. 28). The Court approves and adopts the Recommended Disposition to the extent that it recommends that the Court grant defendants' motion for summary judgment and deny Mr. Guthrie's motion for summary judgment (Dkt. Nos. 17; 21). Mr. Guthrie's claims against Ms. Jones-Foster, Mr. Abhulimen, and Mr. Dempster are dismissed, as is his deliberate indifference claim against Ms. Mullins-Blanks. The Court declines to adopt the Recommended Disposition to the extent that it recommends that the Court dismiss this action in its entirety. Mr. Guthrie's retaliation claims against Ms. Mullins-Blanks and Warden Cashion remain pending.

So ordered this 27th day of June, 2017.

Kristine G. Baker
United States District Judge