

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

SETH MONROE, JR

PLAINTIFF

V.

CASE NO. 4:17-CV-00098 JLH/BD

BRUSSEUX, et al.

DEFENDANTS

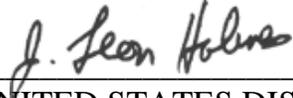
ORDER

The Court has received a Recommended Disposition (“Recommendation”) from Magistrate Judge Beth Deere. After careful consideration of the Recommendation and Mr. Monroe’s timely objections, and after a *de novo* review of the record, the Court concludes that the Recommendation should be, and hereby is, approved and adopted as this Court’s findings in all respects. Judge Deere points out in her Recommendation that Mr. Monroe appeared to be in custody as a result of an Act 911 commitment after his acquittal by reason of insanity. She also says that he has alleged no facts that would show that he is being held in violation of his rights to due process of law. In his original petition, Monroe alleged that he had checked himself into the Arkansas State Hospital, which would be inconsistent with the finding that he was being held under Act 911. With his objections to Judge Deere’s Recommendation, Mr. Monroe has attached some of the documents from the proceedings in state court. He has not, however, attached all of the documents. The Court takes judicial notice of the fact that Mr. Monroe’s current custody in the Arkansas State Hospital is being supervised by the Probate Court of Saline County,

Arkansas, Case No. 63PR-16-491-4.¹ Reports to the Probate Court are being filed in that case every 90 days by the Division of Behavioral Health Services of the Arkansas State Hospital. The most recent report was filed on June 28, 2017. Thus, Mr. Monroe is being held in custody by the Arkansas State Hospital pursuant to Act 911, and his due process rights under that statute are being protected.

Mr. Monroe's complaint (docket entry #2), first amended complaint (#6), and second amended complaint (#7) are DISMISSED without prejudice.

IT IS SO ORDERED this 9th day of August, 2017.


UNITED STATES DISTRICT JUDGE

¹ The docket may be viewed on the AOC Court Connect website.