

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

JAMES McALPHIN,
ADC #88328,

Plaintiff,

v.

BRENDA WADE, Director,
Arkansas Claims Commission; *et al.*,

Defendants.

*
*
*
*
*
*
*
*
*

No. 4:17CV00343-SWW-JJV

ORDER

The Court has reviewed the Proposed Findings and Partial Recommended Disposition 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, the Court concludes that the Proposed Findings and Partial Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS, THEREFORE, ORDERED that:

1. Defendants' Motion to Dismiss (Doc. No. 9) is GRANTED in part and DENIED in part:

- A. Plaintiff's claims for compensatory and punitive damages are DISMISSED without prejudice based on Defendants' quasi-judicial and sovereign immunities.
- B. Defendant's Motion to Dismiss is DENIED in all other respects.

2. Plaintiff is allowed to proceed with his claim for equitable relief.

3. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order adopting the recommendations would not be taken in good faith.

IT IS SO ORDERED this 14th day of August, 2017.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE