

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

**RAYMEY VOSS
#0034336**

PLAINTIFF

v.

Case No. 4:21-cv-157-LPR

**JOHN STALEY, Sheriff, and
KRISTIE FLUD, Jail Administrator, Lonoke County**

DEFENDANTS

ORDER

I have received proposed findings and recommendations (“PFR”) from United States Magistrate Judge Joe J. Volpe. (Doc. 6) No objections have been filed and the time for doing so has expired. I have done a careful review of the PFR and the record. With respect to the First Amendment retaliation claim, I adopt the PFR’s analysis and conclusion. The First Amendment free-exercise claim is different. I do not agree with most of the PFR’s analysis of the free-exercise claim. For example, unlike the PFR, I read the Complaint (Doc. 2 at 6) to allege a permanent confiscation of the eight books identified. For another example, I don’t think access to different religious books matters for purposes of the substantial burden question. And for a third example, I don’t believe the Complaint must prebut the governmental interest that might justify the confiscation in order to pass the screening stage. However, I do agree that the Complaint as pleaded fails to state a claim. Mr. Voss does not state in the Complaint what his religion is or that he practices any religion at all. Moreover, he does not allege facts to show he was using any of these eight books to exercise whatever his religion might be. For all we can tell from the Complaint, Mr. Voss might have been reading these books as an academic matter to learn about society, culture, language, history, or the like.

Accordingly, Plaintiff’s Complaint (Doc. 2) is DISMISSED without prejudice for failing

to state a claim upon which relief may be granted. Dismissal counts as a strike. 28 U.S.C. § 1915(g).

IT IS SO ORDERED this 29th day of June.

A handwritten signature in black ink, appearing to read "Lee P. Rudofsky", written over a horizontal line.

LEE P. RUDOFSKY
UNITED STATES DISTRICT JUDGE