

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

BENJAMIN PITTS,
ADC #148011

PLAINTIFF

v.

4:21-cv-00936-JM-JJV

DEXTER PAYNE, Director, ADC; *et al.*

DEFENDANTS

ORDER

The Court has reviewed the Recommendation submitted by United States Magistrate Judge Joe J. Volpe, the objections and amended complaint filed by Mr. Pitts. After conducting a *de novo* review, this Court adopts the Recommendation in its entirety as its findings in all respects. Mr. Pitts failed to file his amended complaint within the time ordered by the Court. Even if the amended complaint had been timely filed, it does not state “a short and plain statement of the claim showing that the pleader is entitled to relief” as required by Rule 8. Fed. R. Civ. P. 8. Pitts includes unrelated disciplinary and grievances and fails to set forth facts which state a claim regarding the March 31, 2021 shower disciplinary.

IT IS THEREFORE ORDERED that:

1. The federal claims in the Complaint (Doc. No. 2) are DISMISSED WITHOUT PREJUDICE for failing to state a claim upon which relief may be granted, the Court DECLINES to exercise supplemental jurisdiction over the state tort claims, and the case is CLOSED.
2. The Motion to Dismiss (Doc. No. 8) is MOOT.
3. It is certified, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal

from this Order and the accompanying Judgment would not be taken in good faith.

Dated this 7th day of January, 2022.



UNITED STATES DISTRICT JUDGE