

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
DELTA DIVISION**

A. COLE ONSTAD
ADC #128493

PLAINTIFF

v.

CASE NO. 4:21-CV-01202-BSM

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

DEFENDANTS

ORDER

After reviewing the record *de novo*, United States Magistrate Judge Joe J. Volpe’s proposed findings and recommendations [Doc. No. 6] are adopted. A. Cole Onstad will be allowed to proceed with his claims that his First Amendment rights were violated when: (1) Defendants Scott Taylor, Carol, Keith Waddle, James Hoot Gibson, and Dexter Payne issued and/or upheld a disciplinary against him after he wrote a letter that was published in a magazine by the Racial Nationalist Party of America called the “White Voice;” and (2) Defendants Payne, Gibson, Dale Reed, Johnson, Shipman, McEwen, Wendy Kelly, Taylor, Douglas Boultinghouse, M. Dunn, C. Fifer, and M. Richardson prevented him from receiving his subscription to the “White Voice” for over two years. Onstad’s claim that Payne, Reed, Kelly, Gibson, Shipman, McEwen, and Soloman Graves violated his First Amendment rights when they enforced the ADC mail policy is dismissed without prejudice, and Graves is dismissed as a defendant. An *in forma pauperis* appeal would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

IT IS SO ORDERED this 13th day of January, 2022.

Brian S. Miller

UNITED STATES DISTRICT JUDGE