

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

**BRYAN O'NEAL WORMLEY
#117888**

PLAINTIFF

v.

No. 4:23-CV-00579-LPR-JJV

BAEOSK, et al.

DEFENDANTS

ORDER

The Court has reviewed the Partial Recommended Disposition (PRD) submitted by United States Magistrate Judge Joe J. Volpe.¹ No objections have been filed, and the time to do so has expired. After a *de novo* review of the PRD and careful consideration of the case record, the Court hereby approves and adopts the PRD in its entirety as this Court's findings and conclusions in all respects.²

Accordingly, Plaintiff may proceed with his free speech and retaliation claims against Defendant Baeosk in his personal capacity only.³ All other claims in the Complaint are DISMISSED without prejudice. Defendant Murphy is DISMISSED without prejudice as a Defendant in this case. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order would not be taken in good faith.

IT IS SO ORDERED this 15th day of November 2023.



LEE P. RUDOFSKY
UNITED STATES DISTRICT JUDGE

¹ Doc. 8.

² Because of the availability of post-deprivation remedies, the Court need not address the legal distinction between negligent and intentional deprivations of property. *See Daniels v. Williams*, 474 U.S. 327 (1986).

³ This is not to suggest that an adversarial motion to dismiss would be inappropriate. Such a motion might change the Court's view of the viability of such claims.