

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

WALTER HAYNES, ADC #111110

PLAINTIFF

V.

5:07-CV-00295-WRW

DAVID WHITE, et al.

DEFENDANTS

ORDER

Pending are Defendants' Motion for Extension of Time to File Objection to Proposed Findings (Doc. No. 90) and Plaintiff's Motion for Preliminary Injunction (Doc. No. 91).

1. Extension of Time

The Honorable Joe Thomas Ray issued a Proposed Findings and Recommended Disposition on September 19, 2008, following a two day pre-jury evidentiary hearing. Since the transcript of the hearing will not be available for 3-4 weeks, Defendants' Motion for Extension of Time to File Objection to Proposed Findings (Doc. No. 90) is GRANTED. **Accordingly, objections to the R.D. must be filed by 5 p.m., no more than fourteen days after the certified transcript is filed.**

2. Preliminary Injunction

In the Motion for Preliminary Injunction, Plaintiff asserts that he's been a victim of retaliation because he has not yet received the R.D. However, the R.D. took longer to prepare than the Court suggested at the hearing and was not entered until September 19, 2008. This should explain why Plaintiff has not yet received the R.D. **However, the Clerk of the Court is directed to send Plaintiff another copy of the R.D., just in case the first one was misplaced.**

Plaintiff also claims that on September 16, 2008, an ADC officer inspected Plaintiff's cell and ask him to clean up some legal papers. According to Plaintiff, the officer also stated that he would again inspect the cell on September 23, 2008.

It is well settled that a prisoner must *fully* exhaust his administrative remedies as to *each* claim raised in a federal lawsuit *before* filing the complaint in federal court.¹ If Plaintiff wishes to pursue a retaliation or denial of access to the courts claim (in regard to the September 16, 2008 inspection), he must *fully* exhaust his administrative remedies within the Arkansas Department of Corrections and then file a *new* § 1983 action. Accordingly, Plaintiff's Motion for Preliminary Injunction (Doc. No. 91) is DENIED.

IT IS SO ORDERED this 24th day of September, 2008.

/s/ Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE

¹See 42 U.S.C. § 1997e(a); *Johnson v. Jones*, 340 F.3d 624, 627 (8th Cir. 2003); *Graves v. Norris*, 218 F.3d 884, 885 (8th Cir. 2000).