

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

**ANTHONY THRASH, ADC #94228,  
and JEAN THRASH**

**PLAINTIFFS**

**v.**

**CASE NO. 5:09cv00095 BSM**

**DAVID WHITE, et al.**

**DEFENDANTS**

**ORDER**

The proposed findings and recommended disposition submitted by United States Magistrate Judge H. David Young and the objections filed by plaintiffs Anthony and Jean Thrash have been reviewed. After a *de novo* review and careful consideration of the entire record, it is concluded that the proposed findings and recommended disposition should be, and hereby are, approved and adopted with regard to plaintiffs' free association, due process, and cruel and unusual punishment claims. Plaintiffs' equal protection claim, however, will not be dismissed as recommended by Judge Young because, in their objections, plaintiffs presented evidence supporting their claim.

Accordingly, summary judgment is granted as to plaintiffs' free association, due process, and cruel and unusual punishment claims, and these claims are dismissed with prejudice. Summary judgment is denied as to the equal protection claim and the case is referred to Magistrate Judge Young for an evidentiary hearing to determine whether there is any merit to plaintiffs' claim that there are similarly situated individuals who are treated differently than plaintiffs.

IT IS SO ORDERED this 4th day of June, 2010.

*Brian J. Miller*  

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UNITED STATES DISTRICT JUDGE