

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

**GREGORY HOLT (Abdul Maalik Muhammad)
ADC #129616**

PLAINTIFF

v.

CASE NO. 5:11CV00164 BSM

**RAY HOBBS, Director,
Arkansas Department of Correction, et al.**

DEFENDANTS

ORDER

The proposed findings and recommended disposition submitted by United States Magistrate Judge Joe J. Volpe [Doc. No. 82] and the filed objections [Doc. No. 86] have been reviewed. After carefully considering this document and making a *de novo* review of the record, it is concluded that the proposed findings and recommended disposition should be, and hereby are, approved and adopted in their entirety in all respects.

Holt's motion for an emergency hearing [Doc. No. 89] is denied. In his motion, Holt states that he has been placed in administrative segregation in retaliation for filing the present suit challenging the Arkansas Department of Correction's (ADC) grooming policy. Doc. No. 89 at ¶ 1. Holt admits that he was initially placed in administrative segregation upon his own request. [Doc. No. 87] at ¶ 2. Holt also admits that upon his request to be released from administrative segregation, his request was denied based on actions he had taken in violation of ADC policy, including sending a threatening letter to a local police department. *Id.* at ¶ 3. *See* Doc. 84-1. "It is well established that prisoners have narrowly defined liberty interests, for imprisonment necessarily retracts many of the liberties of the free. Among the liberties

which prisoners do not enjoy is choice of cells. Transfer within the prison, or to another prison, is within the discretion of prison officials.” *Lyon v. Farrier*, 727 F.2d 766, 768 (8th Cir. 1984). Therefore, Holt’s motion for an emergency hearing [Doc. No. 89] is denied.

IT IS THEREFORE ORDERED that:

1. Holt’s complaint [Doc. No. 2] be dismissed with prejudice for failure to state a claim on which relief can be granted.
2. Dismissal of this action constitutes a “strike” for purposes of 28 U.S.C. § 1915(g).
3. Holt’s motion for an emergency hearing [Doc. No. 89] is denied.
4. All remaining pending motions are denied as moot.

An appropriate judgment shall accompany this order.

IT IS SO ORDERED this 23rd day of March 2012.


UNITED STATES DISTRICT JUDGE