

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

**PHILLIP J. OAKES
ADC #145126**

PLAINTIFF

v.

No. 5:11-cv-294-DPM

**KAYE HOWELL, Warden, Randall
Williams Correctional Facility, Arkansas
Department of Correction, et al.**


DEFENDANTS

ORDER

United States Magistrate Judge Joe J. Volpe entered a partial recommended disposition in this case, *Document No. 7*, to which Oakes has not objected. Having reviewed the proposal for clear errors of fact on the face of the record, FED.R.CIV.P.72(b) (advisory committee notes to 1983 addition), and for legal error, the Court adopts the proposal as its own.

Because it is a state agency and therefore immune from § 1983 liability under the Eleventh Amendment, the Arkansas Department of Correction is dismissed from Oakes's suit. The Clerk shall terminate the ADC as a defendant in this case.

So Ordered.



D.P. Marshall Jr.
United States District Judge

16 Dec. 2011