

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

**PATRICK ROBERTSON,  
ADC # 94110**

**PLAINTIFF**

**v.**

**No. 5:12-cv-196-DPM-BD**

**PHILLIP McDANIEL, originally sued as  
P McDaniel; FRANCES JOHNSON,  
originally sued as Johnson; GAYLON  
LAY, originally sued as G Lay; and  
LARRY MAY, Deputy Director,  
Arkansas Department of Correction**

**DEFENDANTS**

**ORDER**

The Court has reviewed Magistrate Judge Deere's partial recommended disposition, *Document No. 18*. No one has filed objections. 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.

The Defendants' motion for summary judgment, *Document No. 11*, is denied as to McDaniel. The motion is granted as to May and Lay, and Robertson's claims against May and Lay are dismissed without prejudice.

So Ordered.

*D.P. Marshall Jr.*

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D.P. Marshall Jr.  
United States District Judge

*25 September 2012*

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