

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

JAMES EDWARD SMITH
ADC #103093

PLAINTIFF

v.

No. 5:12-cv-409-DPM-HDY

SAMMY D. JOHNSON, CO-I, Pine Bluff Unit,
ADC; T. DOBBS, Varner Unit, ADC; DOUGLAS
E. BOULTINGHOUSE, Lt., Varner Unit, ADC; and
JUSTINE M. MINOR, Disciplinary Hearing Officer,
ADC

DEFENDANTS

ORDER

No one has objected to Magistrate Judge H. David Young's Proposed Findings and Recommendations, *Document No. 4*. Having reviewed 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 modified: Smith's failure-to-protect claims against Boultinghouse and Minor are dismissed without prejudice because he could fill the gap about their involvement by amendment; his potential conditions-of-confinement claim is dismissed without prejudice for the same reason; the legal defects in Smith's false-disciplinary and due-process claims cannot be fixed by amendment, and those claims are therefore dismissed with prejudice.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

21 December 2012