

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

**KENDRICK C. STORY,
ADC #109934**

PLAINTIFF

v.

No. 5:13-cv-195-DPM

**MAXCIE FOOTE, Major,
Randall L. Williams Unit, ADC;
JOHN LOWE, Deputy Warden,
Randall L. Williams Unit, ADC;
LARRY MAY, Chief Deputy Director,
ADC; and JOHN HERRINGTON, Captain,
ADC**

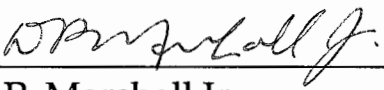
DEFENDANTS

ORDER

Motion for reconsideration, *No 8*, denied. Whether a female security guard may have seen Story's strip search on camera does not make a legal difference. A female guard could have been present without intruding on Story's Fourth Amendment rights. *Hill v. McKinley*, 311 F.3d 899, 903-04 (8th Cir. 2002). A camera doesn't change things. "Visual surveillance is an essential factor in maintaining prison security." *Timm v. Gunter*, 917 F.2d 1093, 1101 (8th Cir. 1990). And the prison's concerns for safety outweighs the intrusion on privacy resulting from surveillance. 917 F.2d at 1102. As to Story's back problem and having to eat with dirty hands, the motion to reconsider is denied for the reasons previously stated. *No 6 at 2-3*.

The motion to proceed *in forma pauperis* on appeal, No 9, is also denied. This Court certified in its Judgment, No 7, that an appeal *in forma pauperis* would not be taken in good faith. 28 U.S.C. § 1915(a)(3). Story must pay the \$455.00 filing fee if he wishes to pursue his appeal.

So Ordered.



D.P. Marshall Jr.
United States District Judge

16 August 2013