

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

WAIMONUSHUN SMITH
ADC #111026

PLAINTIFF

v.

No. 5:13-cv-200-DPM-HDY

RAY HOBBS, Director, ADC;
RAYMOND NAYLOR, Disciplinary Hearing Admin., ADC;
GRANT HARRIS, Deputy Director, ADC;
TERRIE BANISTER, Disciplinary Hearing Officer, ADC;
MARK CASHION, Warden, Randall L. Williams
Correctional Facility, ADC; and
C. AKINS, Lt., Randall L. Williams
Correctional Facility, ADC

DEFENDANTS

ORDER

Smith objects to Magistrate Judge Young's Proposed Findings and Recommendations. *Ne 4 & 5*. On *de novo* review, the Court adopts the proposal. FED. R. CIV. P. 72(b) (Advisory Committee Notes to 1983 Addition). One additional point prompted by Smith's objection: the opportunity to refile this § 1983 case later, rather than the requested stay, is the more efficient way to proceed, taking account of Smith's brand new habeas petition, in these *Heck*-bar circumstances. Smith's complaint is dismissed without prejudice. 28 U.S.C. § 1915(g).

So Ordered.

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

25 July 2013