

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

**ROBERT WILLIAM AVERY,
ADC #652373**

PLAINTIFF

v.

Case No. 5:13-cv-00378-KGB-HDY

MARK CASHION, et al.

DEFENDANTS

ORDER

The Court has received the Proposed Findings and Recommendations filed by Magistrate Judge Joe J. Volpe (Dkt. No. 17). After careful review of the Proposed Findings and Recommendations, plaintiff Robert William Avery's timely objection (Dkt. No. 18), as well as a *de novo* review of the record, the Court concludes that the Proposed Findings and Recommendations should be, and hereby are, approved and adopted as this Court's findings in all respects. Defendant Ronald Ganna should be dismissed without prejudice for failure to state a claim on which relief may be granted.

Mr. Avery's objection states that Mr. Ganna has "knowledge of the issues of this case by Avery's use of the grievance system" and that Mr. Ganna "made various responses to Avery's grievances that are [the] subject matter of this case." Mr. Avery also notes that his prior claims against Mr. Ganna in his individual capacity survived summary judgment before this Court dismissed them without prejudice for failure to pay the filing fee, failure to comply with Local Rule 5.5(c)(2), and failure to respond to the Court's order. Even so, Mr. Avery does not make any claims, allegations, or references to Mr. Ganna in this complaint. Mr. Avery may amend his complaint to do so if he wishes.

IT IS SO ORDERED this the 4th day of December, 2014.

A handwritten signature in black ink, appearing to read "Kristine G. Baker". The signature is written in a cursive style with a prominent initial "K".

Kristine G. Baker
United States District Judge