

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

**VINCENT COOPER
ADC # 114449**

PLAINTIFF

v.

No. 5:14-cv-123-DPM-JJV

**TAMMY COURTNEY, CO1, Varner Supermax
Unit, ADC; JOHNATHAN MARTIN, Correctional
Officer, Varner Unit, ADC; and ARKANSAS
DEPARTMENT OF CORRECTION**

DEFENDANTS

ORDER

Cooper has filed a motion to amend his complaint, which the Court construes as an objection to Judge Volpe's Proposed Findings and Recommendation, *No. 4*. On *de novo* review, FED. R. CIV. P. 72(b)(3), the Court adopts the proposal as modified. Cooper's possible remedy against Courtney and Martin for allegedly stealing and destroying some of Cooper's things lies in a claim made to the Arkansas State Claims Commission. *Hudson v. Palmer*, 468 U.S. 517, 533 (1984); *Willis Smith and Co., Inc. v. Arkansas*, 548 F.3d 638, 640 (8th Cir. 2008). Cooper's complaint is therefore dismissed without prejudice for failure to state a claim at this point. No strike is assessed. *E.g., Owens v. Isaac*, 487 F.3d 561, 563 (8th Cir. 2007)(*per curiam*). The motion to amend, *No. 5*, is denied as futile. *Zutz v. Nelson*, 601 F.3d 842, 850-51 (8th Cir. 2010).

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

14 May 2014