

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

CHRISTOPHER DEATON
ADC #143472

PLAINTIFF

v.

NO. 5:14CV00230 JLH/BD

JIM SMITH, et al.

DEFENDANTS


ORDER

The Court has received the Recommended Disposition (“Recommendation”) filed by Magistrate Judge Beth Deere, and no objections to the Recommendation have been filed.¹ The Recommendation should be, and hereby is, approved and adopted in all respects.

The defendants’ motion for summary judgment is GRANTED. Document #44. Deaton’s claims against defendant Harris are DISMISSED without prejudice based on his failure to exhaust his administrative remedies. In addition, Deaton’s claim that he was transferred to another ADC Unit in retaliation for filing another civil rights lawsuit is DISMISSED without prejudice based on his failure to exhaust this claim against all defendants, except defendant Smith. His retaliatory transfer claim against defendant Smith is DISMISSED with prejudice. All other claims are DISMISSED with prejudice.

¹ Judge Deere entered the recommended disposition on June 26, 2015. On July 10, 2015, Christopher Deaton filed a motion for extension of time to file his objections, stating that he was being transferred to the Bureau of Prisons. He requested a thirty-day extension of time to file his objections. The Court granted that motion and extended the time for Deaton to file his objections up to and including August 12, 2015. No objections have been filed. Once that Order was entered on July 13, all of the mail from this Court to Deaton has been returned as undeliverable. Local Rule 5.5(c)(2) requires *pro se* plaintiffs to notify the Clerk promptly of any change of address and warns that if any communication from the Court to a *pro se* plaintiff is not responded to within thirty days, the case may be dismissed without prejudice. Deaton was aware of the recommended disposition but has failed to notify the Court of his new address and has not objected to the recommended disposition, nor has he requested an additional extension of time.

IT IS SO ORDERED this 19th day of August, 2015.

A handwritten signature in black ink that reads "J. Leon Holmes". The signature is written in a cursive style with a horizontal line underneath it.

J. LEON HOLMES
UNITED STATES DISTRICT JUDGE