

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

RICO BENTON, ADC #97236

PLAINTIFF

v.

NO. 5:14CV00287 JLH

RAY HOBBS, *et al.*


DEFENDANTS

**ORDER**

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge H. David Young and the objections filed by Rico Benton. After carefully considering the objections and making a *de novo* review of the record in this case, the Court concludes that the Proposed Findings and Recommended Disposition should be adopted in part as this Court's findings and disposition. The Court does not adopt the portion of the Proposed Findings and Recommended Disposition concluding that Benton's claims are precluded by his action before the Arkansas Claims Commission. *See Smith v. Johnson*, No. 13-2491, 2015 WL 1020808, at \*3-4 (8th Cir. March 10, 2015). Assuming that Benton exhausted his claims against Ray Hobbs, William Straughn, Maurice Williams, Kathleen Lowery, and Connie Jenkins, he has presented no evidence that any of these defendants was deliberately indifferent to a substantial risk of harm that he faced. At most, he has shown that one or more of them may have been negligent, but negligence is not actionable under 42 U.S.C. § 1983.

The defendants' motion for summary judgment is GRANTED. Document #25. A judgment will be entered separately.

IT IS SO ORDERED this 20th day of March, 2015.

  
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J. LEON HOLMES  
UNITED STATES DISTRICT JUDGE