

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

**CHAUNCEY HADLEY,
ADC #132390**

PLAINTIFF

v.

No. 5:15-cv-228-DPM-JTK

**JEREMY ANDREWS, Deputy Warden,
Wvarner Unit; M. RICHARDSON,
Lieutenant, Varner Unit; FRANKIE BROOKS,
Sergeant, Varner Unit; and COOPER, Sergeant,
Varner Unit**

DEFENDANTS

ORDER

On *de novo* review, the Court adopts the recommendation, *No 4*, as modified, and sustains Hadley's objections in part, *No5*. FED. R. CIV. P. 72(b)(3). Hadley's allegations about his punitive confinement fail to state a claim, and are therefore dismissed without prejudice. And the Court agrees that a false-disciplinary allegation, standing alone, fails to state a claim in these circumstances. But the Court would appreciate a further recommendation about (1) whether Hadley states a claim that he was disciplined in retaliation for exercising his First Amendment rights, *No 2 at 4-5; No 5 at 1*; and (2) if he has, whether *Heck's* favorable-termination requirement applies to that claim. *Muhammad v. Close*, 540 U.S. 749, 754-55 (2004) (*per curiam*); *Woods v. Smith*, 60 F.3d 1161, 1164-66 (5th Cir. 1995).

So Ordered.

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

28 September 2015