

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

THEODORE ANDERSON  
ADC # 138956

PLAINTIFF

v.

No. 5:16-cv-91-DPM

CHRISTIE A. SIMPSON, Sergeant,  
Varner Unit, ADC; and VERGIE ALLEN,  
Mail Room Lady

DEFENDANTS

ORDER

On *de novo* review, the Court overrules Anderson's objections, *No. 87 & 91*, and adopts the Magistrate Judge's recommendation, *No. 86*. FED. R. CIV. P. 72(b)(3). Anderson's access-to-court claim arising from his lost petition for rehearing fails as a matter of law because the claim's legal premise is mistaken. Nothing in the evolving Arkansas statutes undermined the circuit court's subject matter jurisdiction in the State's prosecution of Anderson. The motion to dismiss, *No. 68*, is therefore granted. Anderson's individual capacity claims against Simpson and Allen will be dismissed with prejudice. Anderson's other motions, *No. 80, 85, 88, & 89*, are denied without prejudice as moot. An *in forma pauperis* appeal from this Order and accompanying Judgment would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.

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

6 September 2017