

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

JONATHAN B. BALLARD
ADC #146466

PLAINTIFF

v.

No. 5:16-cv-236-DPM-JTK

VERNON ROBINSON, Building Major,
Cummins Unit, ADC; and J. COLEMAN,
Captain, Cummins Unit, ADC

DEFENDANTS

ORDER

The Court construes Ballard's proposed amendment as an objection to the recommendation too. On *de novo* review, the Court adopts the recommendation, *No* 4, as modified and overrules Ballard's objections, *No* 7. FED. R. CIV. P. 72(b)(3). Ballard's complaint fails to state a claim, and the case will be dismissed without prejudice *unless* the proposed changes salvage the pleading. The Court returns Ballard's post-recommendation motions to amend and for appointed counsel, *No* 6 & 7, to Magistrate Judge Kearney for consideration.

So Ordered.

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

7 October 2016