

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

DEVERICK SCOTT, ADC #131042

PLAINTIFF

v.

No. 5:16CV00327-JLH-JJV

DANNY BURL, Warden,
Tucker Max Unit; *et al.*

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Partial Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe. No objections have been filed. After careful consideration, the Court concludes that the Proposed Findings and Partial Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS, THEREFORE, ORDERED that:

1. Defendants' motion to dismiss for failure to state a claim, or in the alternative, motion to consolidate (Document #33) is GRANTED IN PART and DENIED IN PART:

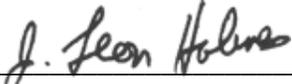
A. Granted to the extent plaintiff fails to state a claim for conspiracy;

B. Denied to the extent plaintiff be allowed to proceed on his substantive claim involving punitive segregation policies; and

C. Denied to the extent consolidation with No. 5:16CV00065-DPM-JTK is not appropriate.

2. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order would not be taken in good faith.

SO ORDERED this 30th day of March, 2017.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE