

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

DOLANDON V. MACK
ADC #103207

PETITIONER

v.

No. 5:16-cv-354-DPM

WENDY KELLEY,* Director,
Arkansas Department of Correction

RESPONDENT

ORDER

On *de novo* review, the Court adopts Magistrate Judge Deere's recommendation, *No 8*, as supplemented and overrules Mack's objections, *No 9*. FED. R. CIV. P. 72(b)(3). The supplement: Not only does Mack lack a protected liberty interest in early release, but Kelley is correct that an Arkansas statute also bars Mack from receiving good-time credit toward his state sentence. *No 6 at 2*; ARK. CODE ANN. § 16-93-609. Mack doesn't dispute that he has qualifying convictions; but he says the statute shouldn't apply to him because his 2004 judgment and commitment order doesn't reference it. *No 7 at 1-2*. Mack's argument, however, is foreclosed by Arkansas case law. *Pitts v. Hobbs*, 2013 Ark. 457, at 4 (*per curiam*).

*The Court directs the Clerk to correct the spelling of Director Kelley's name on the docket.

The Court understands Mack's frustration in light of the legal advice he received. *No 9 at 4*. But Mack's petition is about parole eligibility; and the law is against him on that claim. Mack's petition will therefore be dismissed with prejudice. No certificate of appealability will issue. 28 U.S.C. § 2253(c).

So Ordered.

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

26 April 2017