

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

**DERRICK L. BOOTH,  
ADC #086775**

**PLAINTIFF**

**V.**

**CASE NO. 5:16-CV-00359 JM/BD**

**P. SMITH, et al.**

**DEFENDANTS**

**ORDER**

The Court has received the Recommended Disposition (“Recommendation”) filed by Magistrate Judge Beth Deere. After a careful consideration of the Recommendation, Mr. Booth’s timely objections and a *de novo* review of the record, the Court concludes that the Recommendation should be, and hereby is, approved and adopted as this Court’s findings in all respects.

The Defendants’ motion to strike (docket entry #29) is DENIED. Their motion to dismiss (#15) is GRANTED. Mr. Booth’s claims are DISMISSED, without prejudice. Mr. Booth’s motion to lift the stay of discovery (#48) is DENIED. The Clerk is directed to close this case.

IT IS SO ORDERED, this 30<sup>th</sup> day of March 2017.

  
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UNITED STATES DISTRICT JUDGE