

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

CHARLES E. HAMNER, ADC #143063

PLAINTIFF

v.

NO. 5:16CV00369 JLH/BD

WENDY KELLEY, et al.

DEFENDANTS

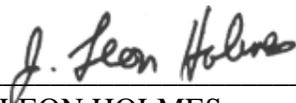
**ORDER**

The Court has received a Recommended Disposition (“Recommendation”) from Magistrate Judge Beth Deere. After careful review of the Recommendation, Mr. Hamner’s timely objections, as well as 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.

Hamner may proceed on his retaliation claims against defendants Waddle, Naylor, White, and Kelley. His retaliation claim against defendant Hopson is DISMISSED, without prejudice, and the Clerk is instructed to terminate defendant Hopson as a party defendant. Hamner’s equal protection claim, right of association claim, due process claim,<sup>1</sup> as well as his claim that defendants violated ADC policy are DISMISSED, without prejudice. In addition, the Clerk is instructed to terminate defendant Lowe as a party defendant.

The motion to dismiss filed by defendants Naylor and Waddle (Document #15) is DENIED.

IT IS SO ORDERED this 22nd day of March, 2017.

  
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J. LEON HOLMES  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The current partial recommended disposition (Document #30) does not explicitly discuss Hamner’s due process claim. That claim was addressed in the earlier partial recommended disposition. Document #5 at 3-4. Hamner’s amended complaint fails to rectify the deficiency in the due process claim as noted by Judge Deere there.