

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

LEE BAKER, ADC #550939

\*

\*

Plaintiff

\*

v.

\*

No. 5:16CV00375-SWW-JJV

ROBERTSON, Building Major/Security,  
Cummins Unit, ADC; *et al.*

\*

\*

\*

Defendants

\*

**ORDER**

The Court has reviewed the Proposed Findings and Partial Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe and Plaintiff's Objections. After carefully considering the objections and making a *de novo* review of the record, 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.<sup>1</sup>

IT IS, THEREFORE, ORDERED that:

1. Defendants Reed and Smarjesse are DISMISSED without prejudice.
2. Plaintiff's claims regarding his grievances are DISMISSED without prejudice.
3. 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.

IT IS SO ORDERED this 4<sup>th</sup> day of January, 2017.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE

---

<sup>1</sup>With his objections, Plaintiff argues that Defendant Smarjesse should not be dismissed because she was informed, by way of an interview request submitted on October 10, 2016, that he was being bullied. These new allegations fail to show that Smarjesse was aware that he faced a risk of attack by another inmate and that Smarjesse was deliberately indifferent to his right to be free of violent attacks by other inmates.