

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

DAVID PATE

PLAINTIFF

NO. 5:17-cv-00083 JM/PSH

ARKANSAS DEPARTMENT OF CORRECTION  
and JAMES PLUMMER

DEFENDANTS

**ORDER**

The Court has received findings and a recommendation from U.S. Magistrate Judge Patricia S. Harris. No objections were filed. After careful review of the Recommendation, the Court concludes that the Recommendation should be, and hereby is, approved and adopted as this Court's findings in all respects.

The claim advanced by plaintiff David Pate ("Pate") against defendant Arkansas Department of Correction ("ADC") is dismissed, and the ADC is dismissed with prejudice from this case. Pate may proceed against defendant James Plummer.

IT IS SO ORDERED this 5<sup>th</sup> day of May, 2017.

  
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UNITED STATES DISTRICT JUDGE