

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

ALONZO HAMPTON
ADC #137559

PLAINTIFF

v.

No. 5:17-cv-149-DPM-JTR

KEONTIS M. WALKER, Correctional
Officer, Varner Unit, ADC

DEFENDANT

ORDER

1. On *de novo* review, the Court partly adopts and partly declines the 6 November 2018 partial recommendation, *No* 32, and partly sustains Hampton's objection, *No* 35. FED. R. CIV. P. 72(b)(3). Hampton says that although he's now housed at another ADC unit, Walker has been transferred to that same unit. *No* 35 at 1. The Court therefore declines without prejudice the recommendation on Hampton's official capacity claims for prospective injunctive and declaratory relief. The recommendation is adopted as to any official capacity claims against Walker for damages. Those are dismissed with prejudice. The motion to dismiss, *No* 21, is partly granted and partly denied without prejudice.

2. The unopposed 7 November 2018 partial recommendation, *No* 33, is adopted. FED. R. CIV. P. 72(b) (1983 addition to advisory committee notes). Hampton's motion for summary judgment, *No* 26, is denied.

3. The Court will enter a final scheduling order setting a trial date and any remaining pretrial deadlines. The Court returns this case to the Magistrate Judge to handle any other pretrial matters, including Hampton's pending motion to appoint counsel, No 25.

So Ordered.

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

17 December 2018