

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

KENDRICK WILEY  
ADC #139566

PLAINTIFF

v.

No. 5:17-cv-244-DPM

KIMBERELY CHATMAN, Sergeant,  
Cummits Unit; CHRIS BUDNIK,  
Warden, Cummins Unit; STRAUGHN,  
Deputy Warden, ADC; and TERRIE  
BANNISTER, Disciplinary Judge, ADC

DEFENDANTS

ORDER

On *de novo* review, the Court adopts the recommendation, *No. 6*, and overrules Wiley's objections, *No. 7*. FED. R. CIV. P. 72(b)(3). The filing of a false disciplinary charge is not itself actionable under § 1983; and claims for defamation or slander aren't either. *Dixon v. Brown*, 38 F.3d 379, 379 (8th Cir. 1994); *Miner v. Brackney*, 719 F.2d 954, 955 (8th Cir. 1983). Further, spending thirty days in segregation and losing contact visits aren't the type of atypical and significant hardships required to make out a due process claim. *Phillips v. Norris*, 320 F.3d 844, 846-47 (8th Cir. 2003). Wiley's complaint and proposed amendment, *No. 1 & 8*, therefore fail to state a claim and will be dismissed without prejudice. This dismissal counts as a "strike" for purposes of 28 U.S.C. § 1915(g). An *in forma pauperis* appeal from this

Order and accompanying Judgment would not be taken in good faith.  
28 U.S.C. § 1915(a)(3).

So Ordered.

*D.P. Marshall Jr.*

---

D.P. Marshall Jr.  
United States District Judge

*1 December 2017*

---