

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

DEVERICK SCOTT  
ADC #131042

PLAINTIFF

v.

5:17CV00272-JM-JJV

WENDY KELLEY, Director,  
Arkansas Department of Correction; *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 with the following modifications: Plaintiff will be allowed to proceed on his claims regarding the denial of a forty-eight hour "relief period" and his claims related to the denial of access to media and his personal property during relief periods against all named Defendants at this time. His claims are limited to January 5, 2017 through May 31, 2017, as clarified in his objections. (Document No. 8).

IT IS, THEREFORE, ORDERED that:

1. Plaintiff is allowed to proceed on his claims against Defendants regarding excessive confinement in punitive isolation, denial of access to newspapers and other media, and denial of access to his personal property from the time period covering January 5, 2017 through May 31, 2017.
2. All other claims are DISMISSED from this action without prejudice.
3. Defendant Day is DISMISSED from this action without prejudice.

4. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order adopting the recommendations would not be taken in good faith.

DATED this 21<sup>st</sup> day of November, 2017.

  
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JAMES M. MOODY, JR.  
UNITED STATES DISTRICT JUDGE