

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

BENJAMIN MUHAMMAD JONES PLAINTIFF

V. CASE NO. 12-CV-1071

JOHN BURNSIDE, *et al.* DEFENDANTS

BENJAMIN MUHAMMAD JONES PLAINTIFF

V. CASE NO. 12-CV-1091

JOHN BURNSIDE, *et al.* DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed May 27, 2015, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. ECF No. 107. Judge Bryant recommends that the Motion for Summary Judgment filed by Separate Defendants Carolyn Byrd, Sheila Jackson, and James Kitchen (ECF No. 63) be granted. Judge Bryant further recommends that the Motion for Summary Judgment (ECF No. 66) filed by Separate Defendants John Burnside and Alice Woods be granted. Judge Bryant also recommends that Separate Defendant Shaun Doe be dismissed from this lawsuit.

Plaintiff has responded with objections, and the Court has reviewed the objections. ECF No. 112. The Court, being well and sufficiently advised, finds that Plaintiff's objections offer neither law nor fact requiring departure from the Report and Recommendation.¹ After reviewing the record *de novo*, the Court adopts the Report and Recommendation *in toto*.

¹The Court notes that Plaintiff's objections address only his due process claims against Separate Defendants Byrd, Kitchen, and Jackson in their individual capacities. Plaintiff claims that these Separate Defendants improperly disposed of his personal property from his Warren Housing Authority apartment. Judge Bryant found that, because adequate state law, post-deprivation remedies were available to Plaintiff, his due process claims must fail. In his objections, Plaintiff does not argue that these state law, post-deprivation remedies were not available.

Accordingly, the Motion for Summary Judgment filed by Separate Defendants Carolyn Byrd, Sheila Jackson, and James Kitchen (ECF No. 63) is **GRANTED**, and all claims against these Separate Defendants are **DISMISSED WITH PREJUDICE**. The Motion for Summary Judgment (ECF No. 66) filed by Separate Defendants John Burnside and Alice Woods is also **GRANTED**, and all claims against these Separate Defendants are **DISMISSED WITH PREJUDICE**. Further, Separate Defendant Shaun Doe is **DISMISSED** from this lawsuit

IT IS SO ORDERED, this 5th day of August, 2015.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge