

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

JAMES RAY THOMPSON, JR.

PLAINTIFF

V.

CASE NO. 10-CV-4113

SHERIFF RON STOVALL;
MS. CHARLOTTE HOLLIVERSE;
and MS. ALICE MILLER

DEFENDANTS

JUDGMENT

Before the Court is the Report and Recommendation filed June 27, 2011, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 38). Judge Bryant recommends that Defendants' motion for judgment on the pleadings (ECF No. 31) be granted in part and denied in part. Defendant James Ray Thompson, Jr. has responded with objections. (ECF No. 41). After reviewing the record *de novo*, the Court adopts Judge Bryant's Report and Recommendation as its own.

The magistrate judge found that Thompson has stated a claim against Defendant Miller for the denial of Thompson's due process rights. Therefore, Defendant Miller remains in this lawsuit. In his objections to the report and recommendation, Thompson states that his constitutional rights were violated by Defendant Miller. The Court found that Thompson had indeed stated a claim against Ms. Miller. Thus, it is unclear as to why Thompson specifically objects to the magistrate judge's finding regarding Defendant Miller.

The magistrate judge also found Thompson had not stated a claim upon which relief could be granted against Defendant Holliverse, the commissary supervisor. This Court agrees. In his objections to the report and recommendation, Thompson restates that Defendant Holliverse overcharged prisoners for commissary items and did not allow prisoners with prison accounts below a certain amount to purchase any commissary items. However, no constitutional right is implicated by the cost of commissary items or the denial of commissary purchases. A prisoner has no constitutional right to purchase stamps as cheaply as possible and no right of access to a commissary. *See Tokar v. Armontrout*, 97 F.3d 1078, 1083 (8th Cir. 1996); *Hardin v. Johnson*, 2008 WL 906489, *4 (N.D. Miss. Apr. 1, 2008).

The Court has reviewed Thompson's objections and finds no merit in the objections. Accordingly, for reasons stated herein and above, as well as those contained in Judge Bryant's Report and Recommendation (ECF No. 38), Defendants' motion for judgment on the pleadings (ECF No. 31) is **granted in part and denied in part**. All claims asserted against Defendant Holliverse are dismissed. All claims against Defendant Miller are dismissed with the exception of the denial of due process claim. Thus, Defendant Miller remains in this lawsuit.

IT IS SO ORDERED, this 21st day of July, 2011.

/s/ Harry F. Barnes
Hon. Harry F. Barnes
United States District Judge