

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

MELTON LEE MILLER

PLAINTIFF

v.

Case No. 4:15-cv-04087

JOHN FELTS; SANDRA DAUZAT; and
ASHLEY VAILES¹

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed July 12, 2016, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 21). Judge Bryant recommends the Motion to Dismiss (ECF No. 16) filed by Defendants be granted. Plaintiff Melton Lee Miller has timely filed objections to the Report and Recommendation (ECF No. 22). The Court finds this matter ripe for its consideration.

Judge Bryant recommends Plaintiff's only remaining claim, that he was not permitted to confront witnesses against him, be dismissed. The claim is directly related to his parole hearing and decision, and inmates do not have a constitutionally protected interest in the possibility of parole as required for a due process claim. Moreover, Defendants Felts and Vailes are immune from suit.²

The Court finds that Plaintiff's objections are not directly responsive to Judge Bryant's Report and Recommendation, and offer no error of law or fact from which the Court finds it necessary to depart from the Report and Recommendation. Accordingly, the Report and Recommendation is adopted *in toto*. Defendants' Motion to Dismiss (ECF No. 16) is **GRANTED**. This dismissal shall be counted as a strike for the purposes of 28 U.S.C. § 1915(g).

IT IS SO ORDERED, this 3rd day of August, 2016.

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

¹The Court has altered the case caption to reflect the proper spelling of Defendants' names.

²Defendants state in their brief that no one by the name of Sandra Dauzat has ever been employed at the Parole Board.