

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

JAMES LEE McCLAIN

PLAINTIFF

V.

CASE NO. 5:15-CV-5081

**SERGEANT MISTY BEHNIA;
COPORAL TIM CAUDLE;
DEPUTY TANNER WEEKS;
DEPUTY SETH PARTAIN;
CORPORAL T. MULVANEY; and
DEPUTY G. CERVANTES**

DEFENDANTS

ORDER

Plaintiff James Lee McClain alleges in his Complaint that when he was an inmate at the Washington County Detention Center, the Defendants violated his constitutional rights by searching his mattress for contraband, disciplining him for possessing a shank, and referring the matter to the District Attorney for criminal prosecution. See Doc. 1. Mr. McClain denies that he possessed any such shank, and alleges that the incident reports filed by various individual Defendant law-enforcement officers were false and inconsistent. See *id.* On July 25, 2016, the Honorable Mark E. Ford, United States Magistrate Judge for the Western District of Arkansas, submitted a Report and Recommendation (“R & R”) (Doc. 36) recommending that this Court grant the Motion for Summary Judgment (Doc. 23) that was filed by the Defendants in this case on September 18, 2015. The R & R found that the Defendants are all entitled to summary judgment, in their individual and official capacities, because (1) Mr. McClain had no legitimate expectation of privacy in the contents of his prison cell, see Doc. 36, pp. 10–11; (2) his disciplinary proceeding afforded him the notice and opportunity to be heard

that are required by due process, *see id.* at 8–10; (3) law-enforcement officers do not violate the Constitution by informing prosecutors of the results of their good-faith investigations, *see id.* at 9–10; (4) the evidence in the record permits no material dispute that the officers' incident reports accurately described the underlying events of which Mr. McClain complains, *see id.* at 10; and (5) the evidence in the record permits no material dispute that the Defendants did not act in accordance with any unconstitutional policy or custom, *see id.* at 11–12.

On August 11, 2016, Mr. McClain filed Objections (Doc. 37) to the R & R, in which he merely restated, without further elaboration, the allegations contained in his original Complaint. *Compare* Doc. 37 *with* Doc. 1. The Court has reviewed the entire record of this case *de novo*, and finds that Mr. McClain's Objections offer neither law nor fact requiring deviation from the Magistrate Judge's well-reasoned R & R.

IT IS THEREFORE ORDERED that Mr. McClain's Objections (Doc. 37) are **OVERRULED**, the R & R (Doc. 36) is **ADOPTED IN ITS ENTIRETY**, the Defendants' Motion for Summary Judgment (Doc. 23) is **GRANTED**, and this case is **DISMISSED WITH PREJUDICE**. Judgment will be entered contemporaneously with this Order.

IT IS SO ORDERED on this 31st day of August, 2016.



TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE