

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

RODNEY DEWAYNE THOMAS

PLAINTIFF

V.

CASE NO. 5:21-CV-05162

**LIEUTENANT AMANDA ARNOLD;
LIEUTENANT NOLAN AKE; and
LIEUTENANT KEVIN EAST**

DEFENDANTS

OPINION AND ORDER

This is a civil rights action filed by Plaintiff Rodney D. Thomas pursuant to 42 U.S.C. § 1983. Mr. Alberts proceeds *pro se* and *in forma pauperis*. The claims in the case arise from Mr. Thomas's pretrial incarceration in the Washington County Detention Center ("WCDC"). He claims Defendants violated his constitutional rights by continually housing him in administrative segregation, failing to properly investigate complaints made against him under the Prison Rape Elimination Act ("PREA"), and denying him access to a library. Defendants filed a Motion for Summary Judgment (Doc. 23), and Mr. Thomas filed a response in opposition (Doc. 29).

On August 31, 2022, the Honorable Christy Comstock, United States Magistrate Judge for the Western District of Arkansas, issued a Report and Recommendation ("R&R") (Doc. 30) advising this Court to grant Defendants' Motion and dismiss the case in its entirety. Mr. Thomas filed objections to the R&R (Docs. 31–33), and pursuant to 28 U.S.C. § 636(b)(1), the Court has reviewed the record *de novo* as to all proposed findings and recommendations to which objections were raised.

In his objections, Mr. Thomas concedes that the reason he is being housed in the

administrative segregation unit is because he was accused of raping another prisoner and engaging in consensual, though nonetheless prohibited, sex with other prisoners. He claims these accusations have not been investigated and resolved to his satisfaction, and at this point, he is not a threat to anyone and should be allowed to rejoin the general population.

All the arguments Mr. Thomas raises in his objections were stated in his response to the Motion for Summary Judgment and addressed by the Magistrate Judge in her R&R. The R&R correctly advises that no further process is due an inmate complaining of his restrictive housing designation when the jail has made the decision based on legitimate, penological interests, rather than simply punitive ones. Mr. Thomas does not dispute that he has been the subject of three PREA complaints during his lengthy pretrial confinement, and there is no genuine, material dispute of fact that the jail's decision to keep Mr. Thomas in administrative segregation is related to a legitimate governmental interests, namely, the safety and security of other inmates.

IT IS THEREFORE ORDERED that the objections are **OVERRULED**, the R&R is **ADOPTED IN ITS ENTIRETY**, and the Motion for Summary Judgment (Doc. 23) is **GRANTED**. The case is **DISMISSED WITH PREJUDICE**, and judgment will be issued in accordance with this Opinion.

IT IS SO ORDERED on this 30th day of September, 2022.

/s/ Timothy L. Brooks
TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE