

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HOT SPRINGS DIVISION

TREMAIN L. LACY

PLAINTIFF

v.

Case No. 11-6053

WARDEN DALE REED, Ouachita  
River Correctional Unit;  
LARRY MAY, Chief Deputy Director,  
Central Office; GRANT HARRIS,  
Assistant Director, Central Office;  
and DEPUTY WARDEN FRED CAMPBELL,  
Ouachita River Correctional Unit

DEFENDANT

**ORDER**

Now on this 28th day of September 2012, there comes on for consideration the report and recommendation filed herein on August 7, 2012, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. 17). Also before the Court are the parties' objections (docs. 18-19) to the report and recommendation.

The court has reviewed this case *de novo* and, being well and sufficiently advised, finds as follows: The report and recommendation is proper and should be and hereby is adopted in its entirety. Accordingly, Defendant's Motion to Dismiss (doc. 9) is GRANTED IN PART and DENIED IN PART. Plaintiff's following claims are dismissed: (1) all official capacity claims for monetary damages; (2) all claims based on Warden Reed erroneously advising Plaintiff his Smooth Magazine had been sent to DRU; (3) all claims regarding alleged inadequacies in the prison grievance procedure;

(4) all claims based solely on alleged violations of prison policy;  
(5) all Fourteenth Amendment Due Process claims; and (6) all Equal  
Protection claims. This leaves for later resolution Plaintiff's  
First Amendment claim.

IT IS SO ORDERED.

/s/ Robert T. Dawson  
Honorable Robert T. Dawson  
United States District Judge