

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION

JOSHUA PHILLIPS

PLAINTIFF

v.

No. 4:21-cv-901-DPM

JOHN STALEY, Sheriff,  
Lonoke County and KRISTI  
FLUD, Jail Administrator,  
Lonoke County

DEFENDANTS

ORDER

1. On *de novo* review, the Court adopts Magistrate Judge Kearney's recommendation, *Doc. 8*, and overrules Phillips' objections, *Doc. 10*. FED. R. CIV. P. 72(b)(3). Phillips failed to state a claim upon which relief may be granted. Phillips' amended complaint will be dismissed without prejudice. An *in forma pauperis* appeal from this Order and accompanying Judgment would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

2. Phillips' motion to voluntarily dismiss, *Doc. 9*, which he appeared to withdraw in his objections, is denied as moot. Phillips may pursue a court-access claim in a sperate § 1983 suit if he chooses to do so.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.  
United States District Judge

12 January 2022