IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF ARKANSAS PINE BLUFF DIVISION

GREGORY HOLT (Abdul Maalik Muhammad) ADC #129616

PLAINTIFF

v. CASE NO. 5:11CV00164 BSM

RAY HOBBS, Director, Arkansas Department of Correction, et al.

DEFENDANTS

ORDER

The proposed findings and recommended disposition submitted by United States Magistrate Judge Joe J. Volpe [Doc. No. 824nd the filed objections [Doc. No. 864nave been reviewed. After carefully considering this document and making a *de novo* review of the record, it is concluded that the proposed findings and recommended disposition should be, and hereby are, approved and adopted in their entirety in all respects.

Holt's motion for an emergency hearing [Doc. No. 89] is denied. In his motion, Holt states that he has been placed in administrative segregation in retaliation for filing the present suit challenging the Arkansas Department of Correction's (ADC) grooming policy. Doc. No. 89 at ¶ 1. Holt admits that he was initially placed in administrative segregation upon his own request. [Doc. No. 87] at ¶ 2. Holt a lso admits that upon his request to be released from administrative segregation, his request was deniedbased on actions he had taken in violation of ADC policy, including sending a threatening letter to a local police department. *Id.* at ¶ 3. *See* Doc. 84-1. "It is well established that prisoners have narrowly defined liberty interests, for imprisonment necessarily retracts many of the liberties of the free. Among the liberties

which prisoners do not enjoy is choice of ce lls. Transfer within the prison, or to another prison, is within the discretion of prison officials." *Lyon v. Farrier*, 727 F.2d 766, 768 (8th Cir. 1984). Therefore, Holt's motion for an emergency hearing [Doc. No. 89] is denied.

IT IS THEREFORE ORDERED that:

- 1. Holt's complaint [Doc. No. 2] be dismissed with prejudice for failure to state a claim on which relief can be granted.
 - Dismissal of this action constitutes a "strike" for purposes of 28 U.S.C. §
 1915(g).
 - 3. Holt's motion for an emergency hearing [Doc. No. 89] is denied.
 - 4. All remaining pending motions are denied as moot.

An appropriate judgment shall accompany this order.

IT IS SO ORDERED this 23rd day of March 2012.

WITTED STATES DISTRICT JUDGE