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

BRIAN HUGHES ADC #119986

PLAINTIFF

V.

NO: 1:07CV00027 JLH/HDY

JAMES BANKS et al.

DEFENDANTS

ORDER

Plaintiff filed this complaint on June 6, 2007. Although Plaintiff's complaint was initially

dismissed at screening, Plaintiff appealed, and, on September 3, 2008, the United States Court of

Appeals for the Eighth Circuit affirmed in part, reversed in part, and remanded the matter for further

proceedings. The Court's order found that Plaintiff's original due process and free exercise claims

were properly dismissed, but concluded that Plaintiff's objections to the recommendation to dismiss

should have been treated as a motion to amend, wherein he re-framed the bases for his Eighth

Amendment and equal protection claims. Accordingly, Plaintiff's complaint, as amended, should

be served on Defendants.

IT IS THEREFORE ORDERED THAT service is appropriate on Defendants, and the United

States Marshal is directed to serve a copy of the complaint (docket entry #2), amended complaint

(docket entry #10), this order, and summons, upon Defendants, without prepayment of fees and costs

or security therefor.

DATED this <u>8</u> day of January, 2009.

UNITED STATES MAGISTRATE JUDGE

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