

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

OLAJUWON HICKS
ADC #122781

PLAINTIFF

V.

1:09CV00011 BSM/JTR

B. BUTTS, Sergeant, Grimes Unit,
Arkansas Department of Correction

DEFENDANTS

ORDER

The court has reviewed the Proposed Findings and Recommended Partial Disposition submitted by United States Magistrate Judge J. Thomas Ray. No objections have been filed. After careful review, the court concludes that the Proposed Findings and Recommended Partial Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS THEREFORE ORDERED that:

1. Pursuant to the screening function mandated by 28 U.S.C. § 1915A: (a) plaintiff shall PROCEED with his Eighth Amendment inadequate mental health care claims against defendants Butts, Parker, and Brandon; and (b) all other claims and defendants are DISMISSED, WITHOUT PREJUDICE.

2. The court CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order would not be taken in good faith

3. The Clerk is directed to prepare a summons for defendants Butts, Parker, and Brandon, and the United States Marshal is directed to serve the summons, the Complaint, the

Amended Complaint, and this Order upon them, through the ADC Compliance Office without prepayment of fees and costs or security therefor.¹

Dated this 5th day of June, 2009.



UNITED STATES DISTRICT JUDGE

¹ If any of the defendants are is no longer ADC employees, the person responding to service shall file, with the return of unexecuted service, a **SEALED** Statement providing the unserved defendant's last known private mailing address.