

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

JEFFREY WEBB,  
ADC # 551387

PLAINTIFF

V.

1:09-cv-00037-JMM-JJV

CHRISTOPHER SMAY, *et al.*

DEFENDANTS

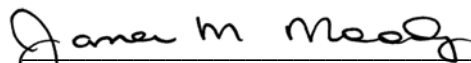
**ORDER**

The Court has reviewed the Proposed Findings and Recommended Partial Disposition submitted by United States Magistrate Judge Joe J. Volpe. No objections have been filed. After careful consideration, 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. Plaintiff's claims of racial discrimination based on verbal abuse are DISMISSED;
2. Plaintiff's claims of retaliatory discipline are DISMISSED, and Defendant Munson is dismissed as a party Defendant;
3. Plaintiff's claims against Defendants Rush and Selvey are DISMISSED for failure to state a claim upon which relief may be granted, and they are dismissed as a party Defendants; and
4. Plaintiff will be allowed to proceed to a jury trial on his remaining claim of excessive force against Defendant Smay, with counsel to be appointed by separate order.

DATED this 6<sup>th</sup> day of July, 2010.



JAMES M. MOODY  
UNITED STATES DISTRICT JUDGE