

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

**LATOYIN V. DAVIS,
ADC #138224**

PLAINTIFF

v.

1:09CV00045BSM/HLJ

**CORRECTIONAL MEDICAL
SERVICES, INC., et al.**

DEFENDANTS

ORDER

The court has received the proposed findings and recommendations from United States Magistrate Judge Henry L. Jones, Jr. After a review of those proposed findings and recommendations, and the timely objections received thereto, as well as a *de novo* review of the record, the court adopts in part as stated herein. The court adopts the recommendation to dismiss defendant Arkansas Department of Correction, but declines to dismiss defendant Correctional Medical Services, Inc. in light of the amended complaint filed on October 5, 2009.

Accordingly, defendants Arkansas Department of Correction is DISMISSED from plaintiff's complaint for failure to state a claim.

IT IS SO ORDERED this 3rd day of December, 2009.



UNITED STATES DISTRICT JUDGE