

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

**CARROLL JOHNSON
ADC # 138237**

PLAINTIFF

V.

CASE NO. 2:08CV00153 BSM-BD

WENDY KELLEY, et al.

DEFENDANTS

ORDER

The court has received the Partial Recommended Disposition from Magistrate Judge Beth Deere. The parties have not filed any objections. After careful review of the Partial Recommended Disposition, as well as a *de novo* review of the record, the court concludes that the Partial Recommended Disposition should be, and hereby is, approved and adopted as this court's findings in all respects in its entirety.

Accordingly, the court hereby DENIES defendants' motion to dismiss (docket entry #12), without prejudice to their right to file a motion for summary judgment that complies with the Federal Rules of Civil Procedure and Local Rules.

IT IS SO ORDERED this 31st day of October, 2008.


UNITED STATES DISTRICT JUDGE