

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

MARCUS GORDON SHABAZZ
ADC #92909

PLAINTIFF

V.

2:08CV00200 JMM/JTR

LARRY NORRIS, Director,
Arkansas Department of Correction, et al.

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 required by 28 U.S.C. § 1915A: (a) Plaintiff's due process claim and failure to respond to grievances claim are DISMISSED, WITHOUT PREJUDICE; (b) Defendants Gay, McCallum, James, and Perry are DISMISSED, WITHOUT PREJUDICE; and (c) Plaintiff shall PROCEED with his failure to protect, inadequate medical care, and inhumane conditions of confinement claims against the remaining Defendants.

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.

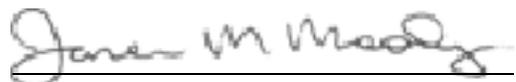
3. The Clerk is directed to prepare a summons for Defendants Norris, Harmon, Outlaw, Andrews, Jackson, Crumpton, Brooks, Humphrey, Manney, Henry, Smith, and Bedinger, and the

United States Marshal is directed to serve the summons, the Complaint, Amended Complaint, the Second Amended Complaint, and this Order on those Defendants through the ADC Compliance Division, without prepayment of fees and costs or security therefor.¹

4. The Clerk is directed to prepare a summons for Defendants Waits, Clark, and Green, and the United States Marshal is directed to serve the summons, the Complaint, the Amended Complaint, the Second Amended Complaint, and this Order on those Defendants through the Humphries and Lewis law firm, without prepayment of fees and costs or security therefor.²

5. Plaintiff shall file, **within 120 days of the entry of this Order**, a “Motion for Service” containing the full name of and a valid service address for Defendant Jane Doe.³

Dated this 6 day of February, 2009.


UNITED STATES DISTRICT JUDGE

¹If any of the Defendants are no longer ADC employees, the ADC Compliance Office shall file, with the return of unexecuted service, a **SEALED** Statement providing the last known private mailing address for the unserved Defendant.

² If any of the Defendants are no longer CMS employees, the Humphries and Lewis law firm shall file, with the return of unexecuted service, a **SEALED** Statement providing the last known private mailing address for the unserved Defendant.

³Plaintiff is advised that, if he fails to timely and properly do so, the Jane Doe Defendant will be dismissed from this action, without prejudice, due to a lack of service pursuant to Fed. R. Civ. P. 4(m).