

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

BRENT M. BARBER  
Reg. # 17455-045

PLAINTIFF

V.

2:09-cv-00009 SWW-JJV

USA; UNITED STATES BUREAU OF PRISONS;  
OUTLAW, Warden, FCI-Forrest City; THOMAS, Lt.,  
FCI-Forrest City; KIMBLE, Unit Manager, FCI-Forrest  
City; MILLER, Correctional Counselor, FCI-Forrest City;  
RENDON, Case Manager, FCI-Forrest City; and JOHN  
DOES, Unknown Health Services Administrator and  
Physician, FCI-Forrest City

DEFENDANTS

**ORDER**

The Court has reviewed the Proposed Findings and Recommended Partial Disposition submitted by United States Magistrate Judge Joe J. Volpe and the parties' objections. After carefully considering the objections and making a *de novo* review of the record in this case, 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 Defendants' Motion for Summary Judgment (Doc. No. 29) is DENIED WITHOUT PREJUDICE.<sup>1</sup>

IT IS FURTHER ORDERED that Plaintiff's motion (Doc. No. 33) for the appointment of

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<sup>1</sup> Defendants raise several objections to the Magistrate Judge's Proposed Findings and Recommendations that may (or may not) prove meritorious. However, as noted by the Magistrate Judge, the denial of defendants' motion for summary judgment is without prejudice to its refiling upon further development of the record. In this respect, the defendants may, consistent with the applicable rules, set forth their objections and any other arguments in their refiled motion for summary judgment.

counsel and his request for reconsideration (Doc. No. 32) are DENIED, and that this matter shall be set for a pre-jury evidentiary hearing by separate Order.

DATED this 4<sup>th</sup> day of January, 2010.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE