

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

JIMMY DEAN KREPPS
ADC #143041

PLAINTIFF

V.

2:09CV00074 WRW/JTR

RONNIE BALLWIN, Jailer,
Cross County Jail, 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 mandated by 28 U.S.C. § 1915A: (a) Defendant Ronnie Ballwin is DISMISSED, WITHOUT PREJUDICE, because Plaintiff has failed to raise any claims against him; (b) Plaintiff's due process claim is DISMISSED, WITH PREJUDICE, for failing to state a claim upon which relief may be granted; and (c) Plaintiff shall PROCEED with his remaining claims against Defendants Carter and Doe.

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. Plaintiff shall file, **within 120 days from the entry of this Order**, a Motion for Service containing the full name of and valid service address for Defendant Jason Doe.

4. Plaintiff is advised that the failure to do so will result in Defendant Jason Doe being dismissed from this action, without prejudice, pursuant to Fed. R. Civ. P. 4(m).

5. The Clerk is directed to prepare a summons for Defendant John Carter, and the U.S. Marshal is directed to serve the summons, Complaint (docket entry #1), Amended Complaint (docket entry #4), Second Amended Complaint (docket entry #7), and this Order on him without prepayment of fees and costs or security therefor.¹

Dated this 26th day of August, 2009.

/s/Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE

¹ If Defendant Carter is no longer a Cross County employee, the individual responding to service shall file, with the return of unexecuted service, a **SEALED** Statement providing his last known private mailing address.