

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

**ANTAWN KEMP,  
ADC #137914**

**PLAINTIFF**

**v.**

**2:09CV00082HLJ**

**LARRY NORRIS, 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 the findings and recommendations with regard to defendants T. Ball, Nurse Moore, and Nurse Jones.

The court declines, however, to dismiss defendants Barnes and Eaten at this time. Magistrate Judge Jones recommended dismissal of these defendants because plaintiff Antawn Kemp failed to include any allegations against them in his original or amended complaint. In his objection, Kemp sets forth his allegations against defendants Barnes and Eaten. The court will construe Kemp's objection as an amendment to the complaint and finds that service is now appropriate for defendants Barnes and Eaten.

Accordingly, defendants T. Ball, Nurse Moore, and Nurse Jones are DISMISSED from plaintiff's complaint, for failure to state a claim. The claims against Barnes and Eaten will proceed. The Clerk of the Court is directed to prepare summons for defendants Barnes and Eaton. The United States Marshal is directed to serve a copy of the original (Doc. No. 2) and amended complaints (Doc. No. 5), the proposed findings and recommendations (Doc. No. 6), plaintiff's objection (Doc. No. 10), and summons

on defendants in care of the Arkansas Board of Correction and Community Punishment Compliance Division, P.O. Box 20550, Pine Bluff, AR 71612-0550, without prepayment of fees and costs or security therefore.

IT IS SO ORDERED this 13th day of October, 2009.

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UNITED STATES DISTRICT JUDGE