

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

BRANDON EVERETT BROWN  
ADC #142315

PLAINTIFF

V.

NO: 2:09CV00133 SWW/HDY

MARCO AVANT *et al.*

DEFENDANTS

**ORDER**

The Court has reviewed the Proposed Findings and Partial Recommended Disposition submitted by United States Magistrate Judge H. David Young. No objections have been filed. After careful consideration, the Court concludes that the Proposed Findings and Partial Recommended 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 Defendant CMS's motion to dismiss (docket entry #52) is DENIED.

DATED this 23<sup>rd</sup> day of April, 2010.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE