

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

RICHARD SCOTT TUCKER
ADC #122704

PLAINTIFF

V.

NO: 2:09CV00151 BSM/HDY

CORRECTIONAL MEDICAL
SERVICES INC. *et al.*

DEFENDANTS

ORDER

The court has received the partial recommended disposition from Magistrate Judge H. David Young. After carefully considering the partial recommended disposition, the objections, and making a *de novo* review of the record in this case, the court concludes that the partial recommended disposition should be, and hereby is, approved and adopted in all respects in its entirety.

Defendant Wendy Kelley's motion for partial summary judgment (docket entry #54) is GRANTED, plaintiff's claims against Kelley are DISMISSED without prejudice, and Kelley is removed as a party defendant. Plaintiff's motion for judgment on merits of the issue (docket entry #73) is DENIED. The court certifies that an *in forma pauperis* appeal taken from this order is considered frivolous and not in good faith.

DATED this 15th day of March, 2010.


UNITED STATES DISTRICT JUDGE