

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

CARL STANLEY TURNER
ADC #81306

PLAINTIFF

V.

NO: 2:10CV00050 JMM/HDY

LARRY NORRIS *et al.*

DEFENDANTS

ORDER

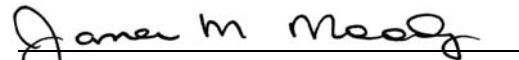
The Court has reviewed the November 15, 2010 Proposed Findings and Partial Recommended Disposition (#80) submitted by United States Magistrate Judge H. David Young, and the pleading filed on November 29, 2010 (#87).¹ After carefully considering the pleadings and making a *de novo* review of the record in this case, 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 Defendants's Motion to Dismiss (docket entry #49) is DENIED.²

¹Plaintiff contends in this pleading that his complaint should not be dismissed, that he is being retaliated against, and that he has been physically assaulted on two occasions. The Court agrees that Plaintiff's complaint should not be dismissed and with this Order is *denying* defendants's Motion to Dismiss. To the extent that Plaintiff is objecting to the Partial Report and Recommendation (#74) adopted by this Court on November 30, 2010, the Court has reviewed these objections and remains committed to its original decision to deny injunctive relief (#85). To the extent that Plaintiff is objecting to the Partial Report and Recommendation (#11) which the Court adopted on August 13, 2010 (#22), the Court has reviewed these objections and remains committed to its original decision to dismiss without prejudice Plaintiff's assault claims.

²On November 12, 2010, the Court adopted the September 21, 2010 Proposed Findings and Partial Recommended Disposition (#63) submitted by United States Magistrate Judge H. David Young and dismissed Thomas and Moore as defendants in this case. Plaintiff continues to object to this dismissal in the November 29, 2010 (#87) pleading. The Court has reviewed this

DATED this 3 day of December, 2010.


UNITED STATES DISTRICT JUDGE

pleading and remains committed to the its original decision to dismiss Thomas and Moore as defendants (#76).