

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

ERCIL K. GATES  
ADC #143759

PLAINTIFF

v.

Case No. 2:10-cv-77-DPM/JTR

RAY HOBBS, TOM BALL, CHARLENE BOGAN,  
LORETHA A. BELL, MARCUS SACKVILLE,  
JAMES BELL, JANICE BUFORD, D. YARBROUGH,  
WENDY KELLEY, JUANITA STELL,  
JOSEPH EDWARD HUGHES, CRYSTAL SIMMS,  
GERALDINE G. CAMPBELL, and  
JEFFERY J. SHEARMAN

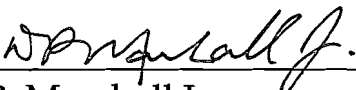
DEFENDANTS

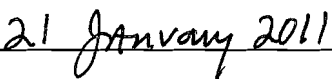
ORDER

The Court has considered Magistrate Judge J. Thomas Ray's Proposed Findings and Recommended Partial Disposition—to which Gates and Defendant Shearman objected. Having conducted a *de novo* review of the record, FED. R. CIV. P. 72(b)(3), the Court adopts Magistrate Judge Ray's Proposed Findings and Recommended Partial Disposition. *Document No. 64*. The Court grants the motion to dismiss, *Document No. 51*, the Eighth Amendment-based claim against Defendant Jeffrey J. Shearman but does so without prejudice.

An *in forma pauperis* appeal of this order would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.

  
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D.P. Marshall Jr.  
United States District Judge

  
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21 January 2011