

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

**ERCIL K. GATES
ADC #143759**

PLAINTIFF

V. Case No. 2:10-cv-00077-DPM

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

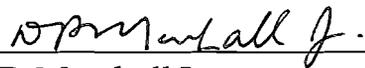
DEFENDANTS

ORDER

The Court has considered Magistrate Judge J. Thomas Ray's Proposed Findings and Recommended Partial Disposition – to which Mr. Gates has not objected – and conducted a *de novo* review of the complaint and declarations filed in this case. The Court adopts Magistrate Judge Ray's Proposed Findings and Recommended Partial Disposition. The claims against Defendants Ray Hobbs, D. Yarbrough, Wendy Kelley, and Juanita Stell are dismissed without prejudice because Gates has failed to state a claim against these defendants. Plaintiff may proceed on his unsanitary-conditions and inadequate-medical-care claims against the remaining ten Defendants.

The Court orders service forthwith on Defendants Tom Ball, Bogan, L.A. Bell, Sackville, James Bell, Janice Buford, Joseph E. Hughes, Crystal Simms, Geraldine G. Campbell, and Jeffrey J. Sherman. An *in forma pauperis* appeal of this order would be frivolous and not in good faith.

So Ordered.



D.P. Marshall Jr.
United States District Judge

14 July 2010