

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

**ROY D. BURNS
ADC #91713**

PLAINTIFF

V.

No. 2:11CV00049 SWW-BD

EDWARD D. EATON, *et al.*

DEFENDANTS

ORDER

Plaintiff Roy D. Burns, an Arkansas Department of Correction inmate, filed this lawsuit pro se under 42 U.S.C. § 1983. In his original complaint, he alleged that Sgt. Eaton used excessive force against him by spraying him with a chemical agent. (Docket entry #2) Mr. Burns, however, failed to state a claim for relief against the other Defendants. Mr. Burns now has filed an amended complaint adding Corporal White as a Defendant and requesting that all Defendants except Sgt. Eaton and Cpl. White be dismissed from the lawsuit. (#6)

Mr. Burns's request is GRANTED. His claims against Defendants Burl, Ball, Jackson and Walker are DISMISSED, without prejudice.

IT IS SO ORDERED this 6th day of April, 2011.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE