James v. Ball et al

Doc. 69

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

DONNIE B. JAMES ADC #089050

V.

CASE NO. 2:11CV00161 BSM

DR. DON BALL, Correctional Medical Services, Inc., et al.

DEFENDANTS

PLAINTIFF

<u>ORDER</u>

The proposed findings and recommended disposition submitted by United States Magistrate Judge J. Thomas Ray and the filed objections have been reviewed. After carefully considering these documents and making a *de novo* review of the record in this case, it is concluded that the proposed findings and recommended disposition should be, and hereby are, approved and adopted in their entirety in all respects.

IT IS THEREFORE ORDERED THAT:

1. Defendants' motion for summary judgment [Doc. No. 48] is granted.

2. All of James's claims against defendants Stell and Corizon, Inc. are dismissed without prejudice.

3. James's claim that defendants Butler and Ball provided him with inadequate medical care for tinnitus is dismissed without prejudice.

4. James's claims that defendants Butler and Ball provided him with inadequate medical care for his port-a-cath and neck/peripheral pain are dismissed with prejudice.

5. It is certified, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis*

appeal from this order and the accompanying judgment would not be taken in good faith.

An appropriate judgment will accompany this order.

DATED this 5th day of December 2012.

Brian & nille

UNITED STATES DISTRICT JUDGE