

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

RODNEY S. HOLT

PLAINTIFF

V.

2:11CV00180 SWW/JTR

UNITED STATES OF AMERICA, et al.

DEFENDANTS

ORDER OF PARTIAL DISMISSAL

On September 30, 2011, Plaintiff, who is represented by counsel, filed a Complaint alleging that Defendants violated his Eighth Amendment rights and the Federal Tort Claims Act when they failed to provide him with proper medical while he was a prisoner in the Federal Correctional Institution located in Forrest City, Arkansas. *See* docket entry #1.

On June 1, 2012, the Court issued an Order explaining that the John Doe Defendants would be dismissed, without prejudice, if Plaintiff failed to name and serve them on or before August 28, 2012. *See* docket entry #28. As of the date of this Order of Partial Dismissal, Plaintiff has not named or served the John Doe Defendants, and the time for doing so has expired. *See* Fed. R. Civ. P. 4(m) (providing that defendants may be dismissed, without prejudice, if they are not served within 120 days after the complaint is filed).

IT IS THEREFORE ORDERED THAT:

1. The John Doe Defendants are DISMISSED, WITHOUT PREJUDICE, due to a lack of service.

2. The Court CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order of Partial Dismissal would not be taken in good faith.

Dated this 5th day of September 2012.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE