

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

KEONDRA M. CHESTANG
ADC #134005

PLAINTIFF

v.

NO. 2:12CV00055 JLH/HDY

RUBEN ROBINSON, *et al.*

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Partial Recommended Disposition submitted by United States Magistrate Judge H. David Young, as well as the objections filed by KeOndra M. Chestang. Magistrate Judge Young has recommended that Chestang's claims against Steven Decoursey be dismissed without prejudice because Decoursey has not been served with summons and complaint as required by Rule 4 of the Federal Rules of Civil Procedure. Chestang has objected, and in his objection asks the Court to reconsider his request for appointment of counsel, which Magistrate Judge Young denied. Chestang argues that if he had counsel, he could obtain service on Decoursey.

The statute provides that the district judge "may reconsider any pretrial matter . . . where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A). Magistrate Judge Young's decision not to appoint counsel at this stage of the proceeding is not clearly erroneous or contrary to law. Therefore, this judge may not reconsider that decision by Magistrate Judge Young.

The recommendation by Magistrate Judge Young that Chestang's claims against Decoursey be dismissed without prejudice is reviewed *de novo*. Upon *de novo* review, that recommendation is adopted as this Court's finding in all respects.

Therefore, the claims of KeOndra M. Chestang against Steven Decoursey are dismissed without prejudice. Decoursey's name is removed as a defendant in this case.

IT IS SO ORDERED this 14th day of August, 2012.

A handwritten signature in black ink, reading "J. Leon Holmes". The signature is written in a cursive style with a horizontal line underneath it.

J. LEON HOLMES
UNITED STATES DISTRICT JUDGE