

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

**DANIEL B. HURLBUT, ADC # 658898;
DELWRICK COLEMAN, ADC # 656538;
SAMSON TILLIS, ADC # 141221; HARRY
SURBUR, ADC # 89794; JOSEPH SMITH,
ADC # 127880; JAMES EVERETT, ADC
109614; CHRISTOPHER BREWER, ADC
652673; BEN MCCARTER, ADC # 128344;
and PAUL BRANSON, ADC # 097273**

PLAINTIFFS

v.

No. 2:13-cv-128-DPM-HDY

**DANNY BURL; TODD BALL; DAVID MILLS;
RAY HOBBS; LARRY MAY; JIM SMITH;
WENDY KELLEY; RAYMOND NAYLOR; and
JANET LEWIS**

DEFENDANTS

ORDER

The Court has considered the objections to Magistrate Judge H. David Young's proposed findings and recommendations, *No 16 & 17*. On *de novo* review, the Court adopts Judge Young's proposal. FED. R. CIV. P. 72(b). Plaintiffs' complaint is dismissed without prejudice. Plaintiffs Coleman, Tillis, Surbur, Smith, Everett, Brewer, and Branson have not complied with the Court's Order to submit individual amended complaints by 4 November 2013 or risk dismissal, *No 4 at 2*. McCarter filed an amended complaint, *No 15*,

but fails to state a claim. Hurlbut filed a motion clarifying his claims, No 7, but he, too, fails to state a claim. And Hurlbut now requests dismissal without prejudice, No 18. Pending motions, No 2, 5, 7, 8, 9, 10, 12, 13, & 18, are denied as moot. The Court certifies that an *in forma pauperis* appeal from this Order and the related Judgment would not be taken in good faith.

So Ordered.

WPM Marshall Jr.
D.P. Marshall Jr.
United States District Judge

4 December 2013