

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

**JACOB THOMAS EARLS,
ADC # 114556**

PLAINTIFF

v.

2:15CV00171-BRW-JJV

**LUKE CANTRELL, Deputy,
Cross County Sheriff's Department; et al.**

DEFENDANTS

ORDER

I have reviewed the Proposed Findings and Partial Recommended Disposition (Doc. No. 55) submitted by United States Magistrate Judge Joe J. Volpe and Plaintiff's objections.¹ After carefully considering the objections and making a *de novo* review of the record, I approve and adopt the Proposed Findings and Partial Recommended Disposition in all respects.

Accordingly, Defendant Swink is DISMISSED pursuant to Federal Rule of Civil Procedure 25(a)(1). The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order would not be taken in good faith.

Plaintiff's Motion to Substitute (Doc. No. 59) is DENIED.

IT IS SO ORDERED this 23rd day of November, 2016.

/s/ Billy Roy Wilson
UNITED STATES DISTRICT JUDGE

¹Doc. No. 57.