

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

JASON E. FENNER
ADC# 127315

PLAINTIFF

v.

2:16CV00113-JM-JJV

LYLES, Corporal, East Arkansas
Regional Unit, ADC; *et al.*

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Partial Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe. No objections have been filed. After careful consideration, the Court concludes that the Proposed Findings and Partial Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS, THEREFORE, ORDERED that:

1. Defendant Howard is DISMISSED without prejudice.
2. 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.

DATED this 12th day of September, 2016.



JAMES M. MOODY, JR.
UNITED STATES DISTRICT JUDGE