

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

WILLIAM SHANE COWART
Reg. #10438-003

PLAINTIFF

V.

NO: 2:17-CV-00142 JM

JOHNATHAN FUTRELL, et al.

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Patricia S. Harris and the objections filed. After carefully considering the objections and making a *de novo* review of the record in this case, the Court concludes as follows:

Plaintiff filed a response to the proposed findings and recommendation (Document No. 8) asking the Court to accept a change to his amended complaint to add claims against Defendants in their individual capacities. The Court will treat that response as a motion to amend his complaint, which will be granted. The recommendation that Plaintiff's claims against Defendants in their official capacities be dismissed is approved and adopted as this Court's findings in all respects.

IT IS THEREFORE ORDERED that:

1. Plaintiff's complaint against Defendants in their official capacities is dismissed without prejudice for failure to state a claim upon which relief may be granted.
2. Plaintiff's claims against Defendants in their individual capacities will be allowed to proceed at this time.

3. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from the order adopting this recommendation would not be taken in good faith.

DATED this 21st day of November, 2017.


UNITED STATES DISTRICT JUDGE