

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

NATHANIEL L. FITZGERALD

PLAINTIFF

V.

NO. 3:09CV00065 SWW-BD

DICK BUSBY, *et al.*

DEFENDANTS

ORDER

The Court has received the Partial Recommended Disposition from Magistrate Judge Beth Deere, recommending dismissal of claims against the Jane Doe defendant identified by Plaintiff as “Nurse Mandy.” Judge Deere properly recommended dismissal of said claims without prejudice on the ground that Plaintiff failed to comply with the Court’s order entered June 8, 2009 directing him to identify “Nurse Mandy.” However, Plaintiff has filed objections in which he identifies “Nurse Mandy” as Mandy Childress. Additionally, Plaintiff states that his failure to comply with the Court’s order was inadvertent, and he asks the Court to excuse his oversight. Although tardy, it appears that Plaintiff has complied with the Court’s order to identify “Nurse Mandy.” Accordingly, the Court declines to adopt the partial recommended disposition (docket entry #64)

IT IS SO ORDERED this 16th day of October, 2009.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE