

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

HANK BROWN  
ADC #145085

PLAINTIFF

V.

3:09CV00114 WRW/JTR

DICK BUSBY,  
Crittenden County Sheriff, et al.

DEFENDANTS

**ORDER**

The Court has reviewed the Proposed Findings and Recommended Partial Disposition submitted by United States Magistrate Judge J. Thomas Ray. No objections have been filed. After careful review, the Court concludes that the Proposed Findings and Recommended Partial 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. Pursuant to the screening function mandated by 28 U.S.C. § 1915A: (a) Plaintiff's moldy shower claim is DISMISSED, WITHOUT PREJUDICE, for failing to state a claim upon which relief may be granted; and (b) Plaintiff shall PROCEED with his wheelchair-accessible shower claim.

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.

3. The Clerk is directed to prepare a summons for Defendants Busby, Boyd, Bonner, and Peterson. The United States Marshal is directed to serve the summons, the Complaint, Amended Complaint, and this Order on them without prepayment of fees and costs or security therefor.<sup>1</sup>

Dated this 22<sup>nd</sup> day of September, 2009.

/s/Wm. R. Wilson, Jr.  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>If any of the Defendants are no longer Crittenden County employees, the individual responding to service shall file, with the return of unexecuted service, a **SEALED** Statement providing the last known private mailing address for the unserved Defendant.