

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

NATHANIEL FITZGERALD
ADC #84210

PLAINTIFF

V.

3:10CV00078 SWW/JTR

TERESSA BONNER, Chief Jailer,
Crittenden County Detention Center, 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) Defendants Smith, Vernon Smith, Beasley, Mobley, and Brown are DISMISSED, WITHOUT PREJUDICE, because Plaintiff has failed to state claims against them; and (b) Plaintiff shall PROCEED with his failure to protect and inadequate medical care claims against Defendants Bonner, Busby, Boyd, Peterson, Childress, and Schroder.

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 Bonner, Busby, Boyd, Peterson, Childress, and Schroder. The United States Marshal is directed to serve the summons, the

Substituted Complaint (docket entry #13), and this Order on those six Defendants without prepayment of fees and costs or security therefor.¹

Dated this 15th day of June 2010.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE

¹ 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.