

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

TED HALL,  
SYDNEY TATE, and  
HERBERT HOLMES

PLAINTIFFS

V.

3:10CV00082 JMM/JTR

RICHARD BUSBY, Sheriff,  
Crittenden County Detention Facility, 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 Local Rule 5.5(c)(2), Plaintiffs Sydney Tate and Herbert Holmes are DISMISSED, WITHOUT PREJUDICE, due to their failure to comply with the Court's April 28, 2010 Order.

2. Pursuant to the screening function mandated by 28 U.S.C. § 1915A: (a) Defendant Richard Busby is DISMISSED, WITHOUT PREJUDICE; (b) Plaintiff Hall's food claim is DISMISSED, WITHOUT PREJUDICE; and (c) Plaintiff Hall shall PROCEED with his shower, inadequate medical care, and tuberculosis claims against Defendants Bonner, Boyd, and Mobley.

3. 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.

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

Dated this 22 day of June, 2010.

  
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.