

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

JONATHAN A. WARE,  
ADC #653450

PLAINTIFF

v.

No. 3:12CV00084 JLH/JTR

HALL, Lieutenant,  
Craighead 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 and the motion for leave to file an amended complaint and objection to recommendation. After carefully considering these documents and making a *de novo* review of the record in this case, the Court concludes that the Proposed Findings and Recommended Partial Disposition should be, and hereby are, approved and adopted as this Court's findings.

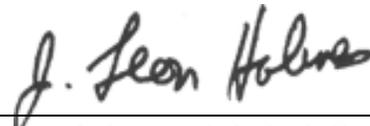
IT IS THEREFORE ORDERED that:

1. The motion for leave to file an amended complaint is GRANTED. Document #7.
2. Pursuant to the screening function mandated by 28 U.S.C. § 1915A, Plaintiff's claims against Defendants, in their official capacities, are DISMISSED, WITHOUT PREJUDICE, for failing to state a claim upon which relief may be granted.
3. Plaintiff may PROCEED with his excessive force claims against Defendants in their individual capacities only.
4. The Clerk is directed to prepare a summons for Defendants Hall, Davidson, John Smith, Jeremy Smith, and Holiday. The U.S. Marshal is directed to serve the summons, Complaint,

and this Order on them without prepayment of fees and costs or security therefor.<sup>1</sup>

5. 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.

Dated this 25th day of April, 2012.



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UNITED STATES DISTRICT JUDGE

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<sup>1</sup> If any of the Defendants are no longer Craighead County employees, the individual responding to service shall file the unserved Defendant's last known private mailing address **under seal**.