

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

DAVID M. CLARK,  
ADC #9300765

PLAINTIFF

V.

3:13CV00012 SWW/JTR

TOMMY HUSTAFER, Jailer,  
Greene County Detention Center, et al.

DEFENDANTS

**ORDER**

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge J. Thomas Ray. No objections have been filed.<sup>1</sup> 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. Plaintiff's Motion for Summary Judgment (Doc. #27) is DENIED, WITHOUT PREJUDICE.
2. Defendants' Motion to Strike (Doc. #34) is DENIED, AS MOOT.
3. The Court CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3), that an *in*

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<sup>1</sup>Mail to the plaintiff was returned to the Clerk of the Court, marked "Refused Unable to Forward." It is the duty of any party proceeding *pro se* to promptly notify the Clerk of any change in his address. See Local Rule 5.5(c)(2)

*forma pauperis* appeal from this Order would not be taken in good faith.

Dated this 15<sup>th</sup> day of May, 2013.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE