

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

NICHOLAS ADDISON, ADC # 162451;
AUSTIN HERRIN; and DONALD HAVENS

PLAINTIFFS

v.

No. 3:15-cv-388-DPM

BRYAN BUTTI, Officer, Poinsett County
Detention Center, and MELLISA QUALLS,
Officer, Poinsett County Detention Center

DEFENDANTS

ORDER

1. On *de novo* review, the Court adopts the partial recommendation, *No 15*, with one correction and overrules Addison's objections, *No 16*. FED. R. CIV. P. 72(b)(3). The correction: The recommendation's conclusion should refer to Addison's and Herrin's claims – not Havens's claims, which weren't addressed. *No 15 at 3*. The Court directs the Clerk to amend *No 15's* docket text accordingly. Addison's and Herrin's claims will be dismissed without prejudice. LOCAL RULE 5.5(c)(2).

2. The Court withdraws the reference. The issues on Havens are clear. He had some initial mailing issues. *No 5*. But the Clerk remailed a copy of the 9 December 2015 Order to Havens's new address more than six weeks ago; and it hasn't been returned. Still, Havens hasn't submitted an *in forma pauperis*

application or the \$400 filing fee. The time to do so has passed. His claims will therefore be dismissed without prejudice too. LOCAL RULE 5.5(c)(2).

3. An *in forma pauperis* appeal from this Order and accompanying Judgment will not be taken in good faith.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

4 February 2016