

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

JAMES JOHNSON
#M28313

PLAINTIFF

v.

No. 3:17-cv-8-DPM

DAVIS GLADY, Chief, Osceola
Police Department; HAULT, Detective,
CID, Osceola Police Department; and
OSCEOLA POLICE DEPARTMENT

DEFENDANTS

ORDER

1. The Court re-mailed copies of the recommendation to Johnson's updated address on March 31st and April 10th based on Johnson's address change. *No 10 & 11.* Johnson hasn't responded. And while mail sent to his old address was returned undeliverable, *No 12 & 14,* neither re-mailed recommendation has been returned.

2. Unopposed recommendation, *No 9,* adopted. FED. R. CIV. P. 72(b) (1983 addition to advisory committee notes). Johnson's claims against the Osceola Police Department are dismissed with prejudice. His conditions of confinement claim is dismissed without prejudice.

Johnson's false arrest claim is stayed pending resolution of his state court proceedings. The Court directs the Clerk to administratively terminate

the case. Johnson can move to reopen this case after final disposition of his state case, including any appeal. Any motion to reopen must be filed within sixty days of that final disposition. If Johnson doesn't file a timely motion to reopen or a status report by 28 April 2018, then the Court will reopen the case and dismiss it without prejudice.

3. An *in forma pauperis* appeal from this Order would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.

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

28 April 2017