

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

DAVID WYNE ALLEN
ADC #140483

PLAINTIFF

V.

4:08CV00521 BSM/JTR

JAY WINTERS,
Sheriff, Pope County, et al.

DEFENDANTS

ORDER

The court has reviewed the Proposed Findings and Recommended Partial Disposition submitted by United States Magistrate Judge J. Thomas Ray. Plaintiff filed a statement which was docketed as objections but is really a statement by plaintiff in which he continues to complain of lack of medical care [Doc. No. 43]. 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 the screening function mandated by § 1915A: (a) plaintiff shall PROCEED with his inadequate medical care claim against Defendant Winters and his pendent state slander claim against Defendant Martan; and (b) all other claims and defendants are DISMISSED, WITH PREJUDICE, for failing to state a claim upon which relief may be granted.

2. The court CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal this Order would not be taken in good faith.

3. The Clerk is directed to prepare a summons for Defendants Winters and Martan, and the United States Marshal is directed to serve the summons, Complaint, and this Order on them without prepayment of fees and costs or security therefor.¹

Dated this 25th day of June, 2009.


UNITED STATES DISTRICT JUDGE

¹ If either of the Defendants are no longer Pope 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.